

**CITY COUNCIL MEETING
February 12, 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 February 12, 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 Higgins gave the invocation.

Mayor Archibald introduced Amber DeLuna; she is a 5th grader at Dyess Elementary School. Amber 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:

John Goettsch	Fire Lieutenant, Fire Support Services	20 Years
John Williams	Firefighter, Fire Tactical Operations	20 Years
Edwin Carlile	Maintenance Crew Chief, Stormwater	25 Years
Tommy Jordan	Heavy Equipment Operator II, Stormwater	25 Years

PROCLAMATION

Mayor Archibald presented the following Proclamation:

Career and Technical Education Month presented to Johnny Lindsey, District Career Counselor
AISD

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting dated January 8th & January 22nd, 2009. There being no deletions, no addition, and no corrections Councilwoman Moore made a motion to approve the minutes as presented. Councilman Chase seconded the motion and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Chase asked to pull Item 6.1 from the consent agenda. Councilman Higgins made a motion to approve consent agenda item 6.2 as presented. Councilman Spano seconded the motion, the motion carried.

AYES: Councilman Chase, Spano, Higgins, Briley, Williams, Councilwoman Moore and Mayor Archibald
NAYS: None

Resolution:

6.1 A Resolution endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc. *(Item pulled by Councilman Chase)*

Oral Resolution:

6.2 Oral Resolution approving a professional services contract with Halff Associates for the preparation of a South Downtown Master Plan. The project budget is \$100,000, which was set aside for this purpose out of the expiring downtown TIF District. City Council approved the professional services contract with Halff Associates.

ITEM PULLED FROM CONSENT AGENDA

6.1 A Resolution endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc. *(Item pulled by Councilman Chase)*

Councilman Chase asked that this item come off of Consent so that the citizens could hear how the City is working to keep rates low through the Cities Aggregation Power Project.

Odis Dolton Assistant Director of Finance briefed the council on the Cities Aggregation Power Project Inc. In 1999, Texas lawmakers adopted Senate Bill 7, the state's electric deregulation law. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. Proponents of the legislation promised lower electric prices.

Although Texans paid electric prices well below the national average during the decade before Senate Bill 7 was passed, customers in deregulated parts of the state now pay prices above the national average. Residential electric prices have increased by a greater percentage in Texas than in almost every other state including every other deregulated state with retail competition.

As an active market participant, CAPP is in the unique position to identify problems that have developed in the deregulated marketplace and provide a consumer's perspective to legislators interested in fixing those problems.

CAPP has created a legislative agenda that aims to transition the electric market from a deregulated market to a competitive one by limiting market power, eliminating cost shifting, and creating competitive options for all customers. The CAPP legislative agenda items reflect CAPP's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market where power remains affordable and reliable will mean more economic development for Texas cities, and a better standard of living for our citizens.

Sections of the Resolution state that the City supports all legislative initiatives that promote a truly healthy electric market where competition can flourish and consumers can save money; and Whereas the City endorses efforts proposed by CAPP to modify the electric deregulation legislation to enhance competition, implement the original intent of SB 7 and reduce costs to the City and its residents.

Councilman Chase made the motion to approve the Resolution as presented. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

The Resolution is numbered #2-2009 and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.

REGULAR AGENDA

7.1 Ben Bryner Planning Services Manager briefed the council on Ordinance **Z-2009-01**, a request from Nick Coates to rezone property from RS-8 (Single-Family Residential) to RS-8/PH (Single-Family Residential with Patio Homes Overlay) zoning, located at the southern 7.62 acres of Lot 201, Block A, Section 7, of the Hillcrest Addition.

Currently the property is zoned RS-8 and has not been developed. The properties to the south and west are developed with single-family homes, the property to the north is developed with a school facility, while the properties to the east are developed as single-family patio homes.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested patio home overlay is compatible with the existing uses of the surrounding properties as well as compatible with the future Land Use Section of the Comprehensive Plan.

Staff recommends approval as requested. The Planning and Zoning Commission recommended approval of RS-8/PH by a vote of four (4) in favor (Bixby, Rosenbaum, Famble and Long) one abstention (Todd) and none in opposition.

Council and staff discussion included; 1) concerns of the opposed land owners located to the East of the property. The concerns were in regard to access in the alley way; 2) Access into the addition will be in two places off of Nichol Dr. and across from Dutton Cr.; and 3) the property located east of the rezoned request has Patio Homes Overlay now.

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

Councilman Williams made the motion to approve the Ordinance **Z-2009-01**, a request from Nick Coates to rezone property from RS-8 (Single-Family Residential) to RS-8/PH (Single-Family Residential with Patio Home Overlay) zoning, located at the southern 7.62 acres of Lot 201, Block A, Section 7, of the Hillcrest Addition. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

The Ordinance is numbered **#6-2009** 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.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:12 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 9:50 a.m. and reported no votes or action was taken in Executive Session in regards to possible Litigation with City Attorney under Section 551.071.

10. Oral Resolution approving the appointment and reappointments to the following Boards and Commissions: No action.

11. Mayor Archibald announced that the council would receive a report from the Golf Course Citizen Advisory Committee regarding Diamondback Golf Course and can take possible action based on the findings and recommendations of the committee. Frank Johnson, Chairman of the Committee presented the following recommendations.

Citizen Committee Charge
25 Questions Total, Summary Below

- Do we need to be in golf course business? *Committee response is Yes*
 - Quality of life considerations
 - Regional golf course market
- Maxwell and Diamondback
 - What is present state of each course?
 - What are needs at each course?
- Rates
 - What would be a reasonable rate structure at either course?
- Management structure
 - City operated
 - Management company
- Funding options

Committee Recommendations

- 1) Purchase Diamondback Golf Club *Committee Vote 7-6*
- 2) Negotiate the best purchase price subject to a professional appraisal; price is not to exceed \$1.5 million *Committee Vote 10-2*
- 3) Include in the financing of the purchase funds to build a suitable clubhouse. *Committee Vote 7-6*
- 4) Encourage the development of an affordable junior golf program for all segments of community. *Committee Vote 9-3*
- 5) Encourage break even rate structure and keep course in current playing condition. Profits from operations should be dedicated for course maintenance. *Committee Vote 11-1*
- 6) Create a citizens oversight committee to work with course management. *Committee Vote 11-1*
- 7) Utilize same model as the Abilene Zoo to include a non-profit organization to seek grants and receive contributions. *Committee Vote 11-1*
- 8) Hire a professional golf course management consultant to produce pro forma financials, analysis and sales and marketing strategies. *Committee Vote 7-5*
- 9) Close Maxwell Golf Course *Committee Vote 10-3*

Council discussion included: 1) does the committee feel that the numbers are solid enough in the projections? 2) Structuring the Golf Course after the model used for the Zoo; 3) the possibility of raising private money for different programs associated with Jr. Golf; 4) concern over the vote of the Committee on the purchase of Diamondback of 7-6. Mr. Johnson felt that the vote came about

by the way the motion was made. Some members of the committee felt that the motion needed more regulations; 5) the pavilion at Diamondback – could it be turned into a snack bar; 6) building a clubhouse; 7) how did the committee come to the amount of \$1.5 million – the committee didn't feel comfortable with the \$2.5million price. They reviewed appraisal numbers and other factors to come to the \$1.5 million; 8) 43,000 rounds of Golf – the committee felt that the rounds would pick up after closing Maxwell and with the promotion of Diamondback; 9) rate structures were discussed. Members that had already paid at Maxwell would be grandfathered in; 10) merging of two courses together would increase the rounds of golf at Diamondback; 11) current cost of keeping Maxwell open and the cost of repairs that are needed; 11) council members have received input from citizens by email and phone calls in regards to the purchase of Diamondback; 12) the amount of debt service for the repayment of debt was included in the numbers provided to council for consideration; 13) bottom line – does the city purchase Diamondback or refurbish Maxwell; 14) if Diamondback is purchased – what about Maxwell. Possibly sale Maxwell or kept just as a city park and/or Jr. Golf location; 15) turning this back to the committee for further review and maybe the possibility of a marketing plan to follow; and 16) allow the committee to fully vet all sides of this issue.

Councilman Williams made the motion to cease the discussion of the purchase of Diamondback Golf Course. Councilman Higgins seconded the motion, motion carried.

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

There being no further business the meeting was adjourned at 11:48 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor