

**CITY COUNCIL MEETING
February 26, 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 26, 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 Williams gave the invocation.

Mayor Archibald introduced Humberto Diaz; he is a 5th grader at Fannin Elementary School. Humberto led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE RECOGNITION

Mayor Archibald and City Manager Larry Gilley recognized Don Green Airport Director for earning the distinction of Accredited Airport Manager from the American Association of Airport Executives.

PROCLAMATION

Mayor Archibald presented the following Proclamation:

March is Women's History Month
Suzanne Shahan, Solid Waste Services, and Chair of City of Abilene Women's History Luncheon, received the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting dated February 12, 2009. 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, Williams, Higgins, Briley, Councilwoman Moore and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Chase pulled items 6.1, 6.5 and 6.6 from the Consent Agenda. Councilwoman Moore made a motion to approve consent agenda items 6.2, 6.3, 6.4, 6.7 and 6.8 as presented. Councilman Spano seconded the motion, the motion carried.

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

NAYS: None

Resolutions, Oral Resolutions, Ordinances and Change Order:

- 6.1** Resolution ordering the City of Abilene General Election set for May 9, 2009. (*Pulled by Councilman Chase*)

The Resolution is numbered **#3-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
ORDERING A GENERAL ELECTION, TO BE HELD ON MAY 9, 2009.

- 6.2** Approved a Joint Election agreement between Wylie Independent School District and the City of Impact for the purpose of holding elections jointly with the City of Abilene.
- 6.3** Approved Election Services Contract with Taylor County Election Administrator.
- 6.4** Accepting anticipated FY09 FAA Airport Improvement Program Grant 37 and authorized the City Manager to accept a possible offer from the FAA for the AIP Grant 37.
- 6.5** Resolution approving recertification of Connecting Caring Communities as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME funds. (*Pulled by Councilman Chase*)

The Resolution is numbered **#4-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE RECERTIFICATION OF CONNECTING CARING COMMUNITIES AS
A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND
AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS
PROGRAM (HOME) FUNDS.

- 6.6** Resolution approving recertification of Habitat for Humanity – Abilene, Inc. as a Community Housing Development Organization (CHDO) and authorizing disbursement of HOME funds. (*Pulled by Councilman Chase*)

The Resolution is numbered **#5-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE RECERTIFICATION OF HABITAT FOR HUMANITY-ABILENE, INC.,
AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO), AND
AUTHORIZING DISBURSEMENT OF HOME INVESTMENT PARTNERSHIPS
PROGRAM (HOME) FUNDS.

- 6.7** Ordinance – **Z-2009-02** First reading – on a request from Auto Wash LLC to amend PDD-91 concerning permitted uses, located at 1402, 1434, 1458 Overland Trail, and 1602, 1634, 1650, 1702, 1766 HWY 351; and setting a public hearing for March 12, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS MENDING CHAPTER 23 SUBPART E, “ZONING,” OF THE ABILENE MUNICIPAL CODE; AND ORDINANCE NO. **20-2004** CONCERNING THE **PDD #91** PLANNED DEVELOPMENT DISTRICT; DECLARING A PENALTY AND CALLING A PUBLIC HEARING; AND AN EFFECTIVE DATE.

- 6.8** Change Order – **CB#8065** – N 18th Street Reconstruction – from N. Mockingbird to Pine Street. The change order #1 is in the amount of \$43,089.97.

ITEMS PULLED FROM CONSENT AGENDA

- 6.1** Resolution ordering the City of Abilene General Election set for May 9, 2009.

Councilman Chase had a question in reference to locations for early voting. Currently the City uses the Taylor County Plaza, K-Mart and the Mall of Abilene. The City is not using any location north of the railroad tracks.

Danette Dunlap City Secretary briefed the council that during conversations with Kristi Allyn the Taylor County Elections Administrator she has stated that problems arise in getting enough citizens to work during early voting and most of the citizens on the north side use Taylor County Plaza as the location for early voting. Mayor Archibald stated that he had also visited with Kristi Allyn in regards to the same issue. The City voter turn out averages around 3,000 voters.

- 6.5** Resolution – re-certifying Connecting Caring Communities (CCC) as a Community Housing Development Organization (CHDO) and Commitment of HOME Funds.

- 6.6** Resolution – re-certifying Habitat for Humanity-Abilene, Inc. as a Community Housing Development Organization (CHDO) and Commitment of HOME Funds.

Councilman Chase pulled these two items so that citizens can recognize the hard work of Connecting Caring Communities and Habitat for Humanity in our city.

Connecting Caring Communities was officially chartered in December 2005 as a 501 (c) (3) organization to take its community renewal work community-wide. Its purpose, through a

neighborhood-based strategy, is to rebuild human relationships needed to sustain community health. Brad Carter came forward and thanked the council for their support and partnership with CCC.

Since 1990, Habitat has completed 121 homes in Abilene, assisted 141 low to moderate income families composed of 201 adults and 356 children; and has partnered with the City of Abilene as a CHDO on 59 single-family homes. They have partnered with over 75 service clubs, church groups, college groups and business work teams during the past year. Chris Protector Cleveland and President of the Board Tammy Kister thanked the council for their support and partnership with Habitat for Humanity.

Councilman Chase made the motion to approve the consent items 6.1, 6.5 and 6.6 as presented. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

REGULAR AGENDA

Mayor Archibald moved item 7.4 forward on the agenda.

7.4 Councilman Anthony Williams presented the Resolution that sets the 15th of February of every year as Claudie C. Royal Day. Mr. Royal had dedicated his life to helping others by sharing with them his greatest gift: "a life surrendered to the service to others" and "a truly American Hero".

Kelvin Kelley, a Hardin-Simmons University associate professor of theology, thanked the council for recognizing "one of our esteemed citizens" and for acknowledging someone who had an important influence in Abilene.

Councilman Williams made the motion to approve the Resolution designating February 15th as Claudie C. Royal Day. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

The Resolution is numbered **#6-2009** and captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE SETTING FEBRUARY 15TH OF EVERY YEAR AS CLAUDIE C. ROYAL DAY.

After the vote, his son Michael T. Royals fondly remembered his father and his father's effort. "I want to thank God most of all because we've come a long way," he said, noting his father "worked hard for everyone" and that whether an individual was white or black "he didn't care." "He cared about everybody," his son said. "He loved everybody."

Gloria Smith also came forward and spoke briefly on the life of Mr. Royal and the impact he had on her life.

7.1 Paul Knippel, Director of Public Works briefed the council on the application/permit to drill and/or Operate Oil and/or Gas wells by Cholla Petroleum, Inc. Permits 673125, 673127, 673128, 673251. The applications were received by staff and the notifications went out, no response came back. Staff recommends approval of the permits.

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

Councilman Higgins made the motion to approve the applications for drilling permits and authorize the Mayor to execute permits 673125, 673127, 673128, 673251 for Cholla Petroleum, Inc. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

7.2 Louis Williams, of Louis Williams & Associates Inc. spoke briefly to the city council in regards to the proposed Abilene Senior Village project. Mr. Williams is applying for tax credits through the State Housing Tax Credit (HTC) Program to build the proposed project. The Abilene Senior Village if funded will be a gated community with 92 units located North of Abilene Regional Hospital. They will have covered parking and will employ 3 full time employees after being built.

They will be competing against a developer in Wichita Falls for the funds. The projects are scored on a point basis system. The more points you receive the better your score. Mr. Williams is asking the city for a letter of support, he will then ask for a letter of support of the State Representatives.

Council discussion included: 1) is there any expectations that the City would have to offer any financial support. The answer is no. They are only asking for a letter of support; and 2) location is close to Windmill Circle and north of Abilene Regional.

Councilman Briley made the motion give a letter of support to Mr. Louis Williams for the proposed Abilene Senior Village project. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

7.3 Richard Burdine briefed the council on the status of the Destination/Wayfinding Signage Project. Since the last City Council briefing about the destination/wayfinding signage project we have received additional comments and directives from TxDOT.

TxDOT's feedback further limited our color options and strongly suggested that the City's name appear across the top of the signs.

Destination/Wayfinding Signage



Council and Staff discussion included: 1) bid process can take 6 to 8 weeks to allow for companies to respond; 2) end users (Abilene Convention and Visitors Bureau, and others) have come together and agree with the proposed sign with Abilene in red with a blue shooting star over it; 3) the role the local and Austin TxDOT officials had on the decision. Both offices had input into the decision; 4) concern that red can fade quicker over time; and 5) how close is the sign to the location – the main thing is to get them turned on the right road.

- Project is ready to bid:
 - Signs designed to avoid sole source vendor and allow for competition
 - Sign locations approved by TxDOT
 - Color selection approved by TxDOT
 - Individual sign messages and directional arrows going through final review

No action needed on this item.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:38 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 11:29 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, and 551.074 Personnel Matters.

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

11.0 Discussion and possible action related to annual performance evaluations of the City Secretary, and City Attorney. No Action

There being no further business the meeting was adjourned at 11:29 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor