

**CITY COUNCIL MEETING  
March 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 March 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, Anthony Williams, Robert O. Briley 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 Taeyah Brown; Taeyah is a 5<sup>th</sup> grader at Jackson Elementary. Taeyah led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

April 8, 2009

National Start Walking Day

Frann Smith, Corporate Market Director for the American Heart Association

April 2009

Autism Awareness Month

Melissa Richardson, Region XIV Education Service Center

Consultant for Autism and Low Incidence Disabilities

Co-Chair for the 5<sup>th</sup> Annual West Texas Walk Now for Autism Walk

Attending with her was Jenny Frazier, Walk Co-Chair, and members of her family: Kerry, Kade and Konner Frazier. Konner has autism.

Mayor Archibald presented the Proclamation to Konner.

**EMPLOYEE SERVICE AWARD AND RECOGNITION**

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

Chief of Police Melvin Martin for 40 Years of Service

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Regular Meeting March 12, 2009. There being no deletions, no addition, and no corrections Councilman Higgins 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**

Mayor Archibald pulled Items 6.2 and 6.5 from the consent agenda. Councilman Williams made the motion to approve consent items 6.1 through 6.7 with the exception of 6.2 and 6.5 as presented. Councilwoman Moore seconded the motion, the motion carried.

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

NAYS: None

### **Oral Resolutions:**

- 6.1** Award of Bid for Veterans Land Board Reclaimed Water Transportation System. The City Council awarded the bid proposal submitted by Granbury Contracting & Utilities in the amount of \$517,627.40 for the reclaimed water transportation System extending to the Veterans Land Board cemetery at Lake Fort Phantom Hill, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.
- 6.2** Approving the fifth Addendum Extension to the City of Abilene Maxwell Golf Course Lease Agreement. *(Item pulled by Mayor Archibald)*
- 6.3** Approving Halff Associates Professional Services Agreement modification for extension of services. In January the Texas parks and Wildlife Department notified the City that we had been approved for two matching fund grants to do parks improvements at Lake Fort Phantom Hill. Both grants, the Outdoor Recreation Grant and Boating Access Grant, will provide funds to be matched with local funding to make major improvements at Johnson and Sea Bee Parks at the lake. Staff proposes to extend the Professional Services Agreement currently in place to enable Halff Associates to assist with the final design, preparation of plans and specifications and bid documents and to provide construction inspection services through the end of the project. They will be using a local firm, Enprotec/Hibbs-Todd for engineering and some inspection services. The contract cost for design services, preparation of plans, specifications and contract documents and construction support will be \$277,670. Funding is available and has been budgeted for this work. City funds will be used for initial payments with the grant reimbursing the City 62 percent of the cost and bond funds reimbursing the remainder.
- 6.4** Agreement defining roles of the City of Abilene & Keep Abilene Beautiful. This agreement defines the roles of the City and Keep Abilene Beautiful it has been created to better understand the Keep Abilene Beautiful Coordinator's position within the City and for the KAB Board. This agreement was presented to the Keep Abilene Beautiful Board at the March 4, 2009 meeting.

**Resolution:**

- 6.5** Resolutions supporting HB 1175 and SB 1034, relating to allowing the governing bodies of certain municipalities to order a Local Option Election for the Sale of Alcoholic Beverages. (*Item pulled by Mayor Archibald*)

**Award of Bids:**

- 6.6** Purchase of Bomb Squad Robot – The robot is being paid for with grant funding through the West Central Texas Council of Governments. Approval through the Gov. Division Emergency Management has been received for the purchase. The total cost of the robot is \$189,646.00. The purchase was awarded to a sole source bid from Remotec for an ANDROS F6A robot.
- 6.7** Award of Bid for the construction of Ferrous Chloride Chemical Systems at Grimes Water Treatment Plant and the Northeast Water Treatment Plan. The City Council awarded **CB-9018** to Keystone Construction, Inc. in the amount of \$332,749.00 for the Ferrous Chloride Chemical Systems at Northeast WTP and Grimes WTP and authorized the City Manager to execute all necessary documents related to the contract.

**ITEMS PULLED FROM CONSENT**

- 6.2** Approving the fifth Addendum Extension to the City of Abilene Maxwell Golf Course Lease Agreement. (*Item pulled by Mayor Archibald*)

The council at their September 11, 2008 Council meeting approved by Oral Resolution the Fifth Addendum to the City of Abilene Maxwell Golf Course Lease. The Fifth Addendum provided a payment in the amount of \$6,000 per month to West Texas Golf. The Fifth Addendum also extends the Fourth Addendum that waives gross rents. West Texas Golf has requested the City of Abilene to extend the Fifth Addendum an additional six months ending September 30, 2009. West Texas Golf has also submitted to the City of Abilene a proposed fee increase that needs to be reviewed by the new Board that will be appointed by the City Council at a later meeting.

Council and Staff discussion included: 1) Parks Board has met and agreed to separate out the golf course to it's own board; 2) need of an ordinance to create a Golf Course Board, that will act in the advisory role to the city council; 3) recommended to extend the addendum; 4) have the new committee to review the rates with West Texas Golf and come back to council for any rate approvals; and 5) the new committee would consist of 5 to 9 board members – welcome any names from council and public input. Members would need to be a resident of the City and the members need to be committed to Municipal Golf not just to Maxwell.

Councilwoman Moore made the motion to approve the Fifth Addendum Extension to the City of Abilene Maxwell Golf Course Lease Agreement. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

**6.5** Resolutions supporting HB 1175 and SB 1034, relating to allowing the governing bodies of certain municipalities to order a Local Option Election for the Sale of Alcoholic Beverages. (*Item pulled by Mayor Archibald*)

Mayor Archibald thanked City Manager Larry Gilley and City Attorney Dan Santee for representing the City of Abilene at Austin for a Senate committee meeting in reference to this bill on the Local Option Election. He also thanked Councilman Briley for his testimony on behalf of the City at Austin in reference to encroachment of Dyess Air Force Base.

Voters in 1978 approved a “wet” area in which beer, wine, and other alcoholic beverages may be served. The City of Abilene has annexed property that was “dry” in 1978.

If alcohol sales were to be approved by residents in “dry” areas annexed after 1978 then it is likely additional commercial development will take place in those areas benefitting the individuals who live in those areas as well as being an economic development benefit to all residents of the City. However, the current local option election processes governed by Chapter 501 of the Texas Elections Code and Chapter 251 of the Texas Alcoholic Beverage Code that would allow the “dry” citizens in portions of the City of Abilene to determine whether or not it shall remain “dry” or allow the sale of alcoholic beverages is confusing, overly burdensome and expensive.

To remedy this confusion, Representative Susan King and Senator Troy Fraser have introduced companion bills known as HB1175 and SB1034 that would allow governing bodies of certain municipalities a clear, concise, cost effective alternative method for calling a local option election relating to the sale of alcoholic beverages in limited circumstances.

The resolutions show support for Representative King’s and Senator Fraser’s bills as well as urging members of the Texas House and Senate to pass the bills so there is a clear, concise, and cost efficient alternate method for calling local option elections under limited circumstances.

Mayor Archibald allowed public input on this item and the city council heard from:

- Winston Ohlhausen – Mr. Ohlhausen lives outside the city. Mr. Ohlhausen stated that he was here to support a family friendly town that is family oriented. He asked that the city council reconsider supporting this legislation in favor of support for family friendly area.

Mayor Archibald made the motion to approve the Resolutions that support HB1175 and SB1034 that would allow governing bodies to certain municipalities a clear, concise, cost effective alternative method for calling a local option election relating to the sale of alcoholic beverages in limited circumstances. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Resolution numbered **#8-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, SUPPORTING SB1034, RELATING TO ALLOWING THE GOVERNING BODIES OF CERTAIN MUNICIPALITIES TO ORDER A LOCAL OPTION ELECTION RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.

Resolution numbered #9-2009 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, SUPPORTING HB1175, RELATING TO ALLOWING THE GOVERNING BODIES OF CERTAIN MUNICIPALITIES TO ORDER A LOCAL OPTION ELECTION RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.

### **REGULAR AGENDA**

No Items for the Regular Agenda

### **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 9:25 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 10:36 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, Real Property Section 551.072 and annual performance evaluations of City appointees and City Boards (Personnel) Section 551.074.

**10.** Oral Resolution approving the appointment and reappointments to the following Boards and Commissions: Mayor Archibald made the recommendation to appoint Aaron Vannoy to the Animal Services Advisory Board he takes Alvin O'Dell place and Vanessa Faz to the Abilene Housing Authority. Councilman Williams made the motion to approve the Mayor's recommendations, Councilman Robert O. Briley seconded the motion, motion carried.

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

NAYS: None

**11.** Discussion and possible action related to annual performance evaluations of the City Manager, City Attorney, City Secretary and Municipal Judge. Mayor Archibald made the recommendation to pay a one time pay of 2% of salary to the four council appointees (City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and Municipal Judge Keith Barton) this 2% does not count toward the base salary of the four employees. Councilwoman Moore made the motion to approve the one time pay of 2% of salary to the four council appointees, Councilman Spano seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 1:32 p.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor