

CITY COUNCIL MEETING
April 9 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 April 9, 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 Williams gave the invocation.

Mayor Archibald introduced Marco Quintero; Marco is a 5th grader at Johnston Elementary. Marco 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 12-18, 2009
Community Development Week
Sandy Bowen, Manager Office of Neighborhood Services received the proclamation.

April 18, 2009
Lion's White Cane Day
James Wheeler, Elmwood West Lions Club received the proclamation.

April 19-25, 2009
The Week of the Young Child
Vicki Hayhurst, Region 14 Education Service Center received the proclamation.

EMPLOYEE SERVICE AWARDS AND RECOGNITIONS

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

<i>Paul Martinez,</i>	<i>Supervisor I, Civic Center</i>	<i>25 Years</i>
<i>Gerald Lewis,</i>	<i>Heavy Equipment Operator II</i>	<i>30 Years</i>

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting March 26, 2009. There being no deletions, no addition, and no corrections Councilman Chase made a motion to approve the minutes as presented. Councilman Briley seconded the motion and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Moore made the motion to approve consent items 6.1 and 6.5 as presented. Councilman Spano seconded the motion, the motion carried. *Councilman Higgins pulled item 6.6.*

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

NAYS: None

Ordinances:

- 6.1** *First Reading* of an Ordinance Adopting the 2008 National Electrical Code, with Local Amendments, and calling a public hearing for April 23, 2009.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 8, ARTICLE VI, DIVISION 3, SECTION 8-496 "ELECTRICAL CODE", IN ITS ENTIRETY AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

- 6.2** First Reading on an ordinance to temporarily extend the suspension of enforcement of certain provisions of the Airport Zoning Ordinance of the City of Abilene; and setting a public hearing for April 23, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS EXTENDING THE TEMPORARY SUSPENSION OF ENFORCEMENT OF CERTAIN PROVISIONS OF THE AIRPORT ZONING ORDINANCE OF THE CITY OF ABILENE, TEXAS.

Resolutions:

- 6.3** Council approved the oral Resolution authorizing the City Manager to execute Amendment #2 to the Land Lease for Fixed Base Operations for Abilene Aero, Inc. Amendment #2 will lease an additional 20,808 square feet in the area where Abilene Aero proposes to build a new corporate aircraft hangar. This will be at a lease rate of \$.177 per square foot per year and will be subject to the CPI adjustments dictated in the existing lease.
- 6.4** Oral Resolution authorizing the execution of Professional Engineering Services Agreement with Alan Plummer Associates, Inc. to Design Improvements to the Grimes Water Treatment Plant. Recently, evaluations were conducted on five of the eight filters at the Grimes WTP by the Texas Commission on Environmental Quality (TCEQ), Enprotec/Hibbs & Todd and city staff. It was determined that the media does not meet current regulations and contains extraneous material hampering the filters ability to operate effectively. It is not likely the Grimes WTP can operate for an additional ten years without improvements to the filters and continued improvements to the general treatment processes. Filter improvements will likely be the main

improvements needed over the next ten years. Council approved the Professional Engineering Services Agreement with Alan Plummer Associates, Inc. for a not-to-exceed amount of \$331,000 to provide engineering services to prepare contract documents and provide advertising, award and construction services for improvements to the Grimes WTP.

Bid Award:

- 6.5** Emergency Award of Bid for filter repairs at the Grimes Water Treatment Plant. This award will be funded through the Department's CIP (Capital Improvements Program). A Resolution follows this item requesting reimbursement of expenses through the sale of Certificates of Obligation (C.O.). Expenses realized prior to the sale of C.O.'s will be paid from the Department's construction reserves and later reimbursed from debt proceeds. Council awarded the bid to Purcell Contracting Ltd. in the amount of \$506,335.26 for the media replacement and filter-to-waste modifications at the Grimes WTP and authorized the City Manager or his designee to execute all necessary documents related to the contract.
- 6.6** Resolution expressing official intent to reimburse costs of projects for the Water Utility Department. (*Councilman Higgins pulled this item.*)

ITEM PULLED FROM CONSENT

- 6.6** Resolution expressing official intent to reimburse costs of projects for the Water Utility Department. (*Councilman Higgins pulled this item*)

Councilman Higgins asked about the relationship of this Resolution to the approved item from the last regular council meeting on the pipeline installation and booster pump station for the Texas State Veteran's Cemetery. Tommy O'Brien Director of Water Utilities addressed this item. This Resolution authorizes the reimbursement of costs associated with the approved item for the pipeline installation and booster pump station for the Texas State Veteran's Cemetery and the associated items on today's agenda in regards to the Grimes Water Treatment Plant.

Council and Staff discussion included: 1) repair of 4 (four) filters at the Grimes WTP; 2) inspection of the filters by the TCEQ (Texas Commission on Environmental Quality); 3) Water Master Plan Study; and 4) the decision has not been made to take Grimes WTP off-line and move all treatment to the Northeast WTP. Staff will be re-looking at the recommendation to move all treatment to the Northeast Water Treatment Plant; 5) It will take approximately ten years to: (i) prepare the work necessary to confirm that the capacity of the Grimes WTP should be relocated to the Northeast WTP; and (ii) prepare contract documents and construct the necessary improvements. Therefore, it will be necessary to continue to operate and maintain the current Grimes WTP for approximately ten years.

Councilman Higgins made the motion to approve the Resolution expressing official intent to reimburse costs of projects. Councilman Williams seconded the motion, motion carried.

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

Resolution numbered #10-2009 and captioned as follows:

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF
PROJECTS**

REGULAR AGENDA

7.1 Larry Gilley, City Manager briefed the council on this Ordinance that establishes a Municipal Golf Course Advisory Board. In March the Parks Board relinquished its oversight of municipal golf courses within the City of Abilene, effective upon the creation and appointment of a Municipal Golf Course Advisory Board. The Board will be comprised of seven citizens of the City of Abilene. Staff recommends approval.

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 that establishes a Municipal Golf Course Advisory Board. 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 #9-2009 and captioned as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
ESTABLISHING A MUNICIPAL GOLF COURSE ADVISORY BOARD FOR THE CITY OF
ABILENE, ESTABLISHING THE NUMBER OF BOARD MEMBERS, AND EMPOWERING
THE BOARD TO DEVELOP AND RECOMMEND POLICIES, PROCEDURES, RATE
STRUCTURES AND CAPITAL IMPROVEMENTS FOR MUNICIPAL GOLF TO THE CITY
COUNCIL.**

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:18 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 10:35 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property and Section 551.074 Personnel/Boards.

10. Oral Resolution approving the appointment to the Municipal Golf Course Advisory Board. Mayor Archibald made the recommendation to appoint Charles Maciel, Claud Clifton, Phil Gage, Lewayne Harris, Sherri Bowden, Melvin Martin and Petty Hunter.

Councilman Williams made the motion to approve the Mayor's recommendation for the Municipal Golf Course Advisory Board. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 10:37 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor