

**CITY COUNCIL MEETING
June 11, 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 June 11, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Pro Tem Laura Moore was present and presided in the absence of Mayor Norm Archibald. Also present were Councilmen Shane Price, Stormy Higgins, Anthony Williams, and Robert O. Briley. Councilman Joe Spano was absent. Also present were City Manager Larry Gilley, Assistant City Attorney Stan Smith, Assistant City Secretary Tiffni Herrera, and various members of the City staff.

Councilman Price gave the invocation.

Mayor Pro Tem Moore introduced Baily Allen; Baily will be a 6th grader at Craig Middle School next fall. She is the granddaughter of Mike Hobbs, Detective at the Abilene Police Department. Baily led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

Mayor Pro Tem Moore and City Manager Larry Gilley presented the following service awards:

Jimmy Asbill Street Maintenance Technician III 20 years
David Gage Police Sergeant, Special Operations 30 years

PROCLAMATIONS

Mayor Pro Tem Moore presented the following proclamation:

June 2009

Myasthenia Gravis Awareness Month

Lydia Long received the proclamation

DISPOSITION OF MINUTES

5.0 Mayor Pro Tem Moore stated Council has been given the minutes from the Regular Meeting May 28, 2009. There being no deletions, no additions, 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 Higgins, Price, Williams, Briley, Mayor Pro Tem Moore

NAYS: None

CONSENT AGENDA

Councilman Williams made the motion to approve consent items 6.1 and 6.7 as presented with the exception of 6.2 pulled by Mayor Pro Tem Moore and item 6.7 pulled by Councilman Briley. Councilman Higgins seconded the motion, the motion carried.

AYES: Councilman Williams, Price, Briley, Higgins and Mayor Pro Tem Moore

NAYS: None

RESOLUTIONS

- 6.1** Approved the filing of an Application for Funding through the 2009 Edward Byrne Justice Assistance Grant (JAG).

Resolution numbered # **17-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING THROUGH THE
2009 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)

- 6.2** Authorized the additional naming of Safety City as “The Melvin Martin Center for Children’s Safety” (*Item pulled by Mayor Pro Tem Moore*)
- 6.3** Approved a request from Big Country Support the Troops for a fireworks display permit – July 4 at 9:15 or July 5, 2009.
- 6.4** Approved awarding RFQ CB #9020, Airside Architectural/Engineering Services to URS and authorizing the City Manager to execute the 5-year contract.
- 6.5** Authorized the City Manager to enter into an agreement with Basic IDIQ for repairs and upgrades to 1201 North 1st known as the Baggage Express building, in the amount of \$81,412.30 and funding is available to the City via a grant from Abilene Improvement Corp. Board.

CHANGE ORDER:

- 6.6** Approved a Change Order – North 2nd and Cedar Parking Lot. Funding available from TIF Funds designated for the parking lot and downtown streetscape up to \$28,962.64 in funding.

BID AWARD:

- 6.7** CB #9029 Construction of Elm Creek Backyard and Ocelot Exhibit (*Item pulled by Councilman Briley*)

ITEMS PULLED FROM CONSENT

- 6.2** Resolution authorizing the additional naming of Safety City as “The Melvin Martin Center for Children’s Safety” (*Item pulled by Mayor Pro Tem Moore*)

Mayor Pro Tem Moore recognized Melvin and Mary Ann Martin who were in attendance, and expressed that she was pleased and excited about the progression of the Fire Safety House project at Friends of Safety City.

- 6.7** Bid award for construction of Elm Creek Backyard and Ocelot Exhibit at the Abilene Zoo. (*Item pulled by Councilman Briley*)

Councilman Briley expressed his gratitude to Mike Hall, Director of Community Services, for all his hard work and dedication to the parks division. In addition, Briley made a request, at the pleasure of the Council, to in the future require City Staff and Zoo Staff, in conjunction with the Zoological Society, to submit to Council an associated marketing plan when taxpayer bond expenditures are being requested.

Councilman Higgins made the motion to approve Item 6.2, a resolution authorizing the additional naming of Safety City as “The Melvin Martin Center for Children’s Safety”, and approve Item 6.7, a Bid Award **CB# 9029** for Construction of Elm Creek Backyard and Ocelot Exhibit. Councilman Price seconded the motion, the motion carried.

AYES: Councilman Higgins, Price, Williams, Briley, Mayor Pro Tem Moore
NAYS: None

Resolution numbered # **18-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO FURTHER IDENTIFY THE FACILITY NOW
KNOWN AS SAFETY CITY AS “THE MELVIN MARTIN CENTER FOR CHILDREN’S
SAFETY”

REGULAR AGENDA

Oral Resolution & Public Hearing:

- 7.1** Land Agent Travis McClure, in the absence of Public Works Director Paul Knippel, briefed the Council on an application/permit to drill and/or operate an oil and/or gas well by Sojourner Drilling Corporation, Permit #675907. McClure noted the same equipment used in the previous Council approved permit would be used again. In addition, regarding the previous permit adjacent to the Elementary school, one noise complaint was received from a citizen that lived approximately 250 feet away from the actual drilling site. McClure also stated that Sojourner Corporation completed the work quickly within their stated specified timeframe.

Mayor Pro Tem Moore opened the public hearing and the City Council heard from the following:

Mary Ann Fergus, Attorney representing Sojourner Drilling Corporation and citizen Abel Covarrubias of 3749 Old Anson Road, Abilene, Texas

- Mary Ann Fergus stated she was in attendance to answer any questions posed by the Council or public; Fergus said that drilling would be completed in 5-7 days; a sound-barrier would be used to aid in the reduction of the noise level; Sojourner received no complaints from the Elementary school at their last drilling site.
- Abel Covarrubias stated he was against the oil well being drilled in the specified location. Being a paramedic for the City of Abilene, his work shift is at night, so he sleeps during the day. Covarrubias does not want the noise from the drilling to interfere with his or his

families sleep patterns. He stated he believed the drilling site was approximately 500 feet from his residence.

Council and Staff discussion included:

1) Sound barrier possibilities; 2) timing possibilities 3) Mr. Covarrubias's residence was located approximately 500 feet from the drilling site.

Councilman Williams made the motion to approve the application/permit to drill and/or operate an oil and/or gas well by Sojourner Drilling Corporation, Permit #675907. Councilman Higgins seconded the motion, the motion carried.

AYES: Councilmen Williams, Price, Briley, Higgins, and Mayor Pro Tem Moore.

NAYS: None

EXECUTIVE SESSION

Mayor Pro Tem Moore recessed the Council into Executive Session at 8:55 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 9:25 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

10.0 Oral Resolution approving the appointment/reappointments to the following board.

West Central Texas Municipal Water District

Appoint:

Mr. Ron Butler, Term expires May 2011

Councilman Williams made the motion to approve Mayor Archibald's recommendation for the West Central Texas Municipal Water District Board. Councilman Higgins seconded the motion, the motion carried.

AYES: Councilmen Price, Williams, Higgins, Briley, Mayor Pro Tem Moore

NAYS: None

There being no further business, the meeting was adjourned at 9:30 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor