

CITY COUNCIL MEETING
August 27, 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 August 27th, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, 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 Madison Sargent; Madison is a 3rd grader at Jane Long Elementary. Madison led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting August 13, 2009. There being no deletions, no addition, and no corrections Councilman Price made a motion to approve the minutes as presented. Councilman Williams seconded the motion and the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.7 as presented. Councilwoman Moore seconded the motion, the motion carried.

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

NAYS: None

Ordinance:

6.1 (*First Reading*) Amending Section 23-313 of the City of Abilene Zoning ordinance regarding building lines; and setting a public hearing for September 10, 2009.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

Award of Bids:

- 6.2** Runway 17R/35L Lighting Rehabilitation – This project will reconstruct the lighting system for Runway 17R/35L by installing new cables in conduit fixtures, signs and a regulator. The project also includes crack sealing and rejuvenator sealer on the runway surface and re-marking runway to correct existing markings that are incorrect based on the actual length of the runway. Council awarded the bid to Willis Electric subject to the availability of federal funding in the amount not to exceed \$863,073.20.
- 6.3** Bid Award #**CB-9057** – Council awarded the bid to Dionex Corporation in the amount of \$86,184.76 for the purchase of an Ion Chromatograph (IC) Instrument for the Abilene Environmental Laboratory.
- 6.4** Bid Award #**CB-9056** – Council awarded the Restaurant Lease to Alley Cats – Location Abilene Regional Airport. The lease will be a 3-year term with no revenue to the City the first 6 months, \$250.00 per month the remaining months of the first year. Year 2 the City will receive \$500.00 per month. Year 3 the City will receive up to \$750.00 per month, but is dependent on the performance of the restaurant at the time the rate is negotiated.
- 6.5** Bid Award **CB#-9056** – Council awarded the Gift Shop Lease to Tonya Vinson, dba Buffalo Trading Post. This includes 1 year term with no revenue to the City.

Oral Resolutions:

- 6.6** URS Corp. Engineering Contract Task Order 18 – Council authorized the City Manager to execute Task Order 18 of the URS Corp Engineering Contract as part of the Airport's FY09 Airport Improvement Program.
- 6.7** Abilene – Taylor County Events Venue District Revised FY 2009 and Approved FY 2010 Budget. Council acknowledges receipt of this budget. All funds are generated from the 2% hotel/motel venue tax.

REGULAR AGENDA

- 7.1** Jon James, Director of Planning and Development Services briefed the council on an Ordinance Amending Chapters 19, Nuisances and Chapter 20, Offenses, of the Code of the City of Abilene.

Currently, the City of Abilene regulates graffiti within Chapter 19, Nuisances, of the Code of the City of Abilene. If a property owner allows a nuisance to remain on his/her property, they will ultimately be cited for violating Chapter 19 and they will go through the abatement procedure set forth within that Chapter. HB 2086 is an omnibus bill for gang related activity that was signed by the Governor and the provisions become effective September 1st. One of those provisions sets forth the parameters under which a county or municipality may require a property owner to remove graffiti. A municipality will no longer be able to cite a property owner for allowing graffiti to remain on a structure, nor will they be able to require the removal without first offering to remove the graffiti for free.

Fortunately, the City and County jointly fund, and the County oversees, a successful graffiti eradication program. Changes, however, need to be made to our City Code to incorporate the procedure mandated by the state. There are many instances of graffiti that go unreported to the police, and we anticipate it is those situations that will ultimately be worked through the process outlined within the new section of the City Code we are recommending be added within Chapter 20.

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 an Ordinance amending Chapter 19, Nuisances, and Chapter 20, Offense. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance #29-2009 and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 19, "NUISANCES AND ILLEGAL DUMPING", AND CHAPTER 20, "OFFENSES", OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

7.2 Mindy Patterson, Director of Finance briefed the council on the 2nd public hearing for the proposed 2009-10 Tax Rate to be set at 69.32¢. The final public hearing and vote will be held on September 10, 2009.

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

No action required from the City Council at this time.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 8:49a.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 9:58 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney, Section 551.074 Personnel Matters.

10.0 Oral Resolution approving the appointment/reappointment of the following Board Members:

MH/MR Betty Hardwick Center

- Rita Johnson reappointment - term expires 2010
- Abilene Public Library Advisory Board
- Julie Barcroft new appointment – term expires 2010
- Abilene-Taylor County Child Advocacy Center Advisory Board
- Dee Moore – term expires 2010
 - Bobby Easterling – term expires 2012
 - Debra McCracken - term expires 2010
 - Karon Bingaman – term expires 2012
 - Jay Capra, M.D. – term expires 2011
 - Karen Munoz – term expires 2011
 - Laura Lee Hines – term expires 2011

Councilman Briley made the motion to approve the Mayor's recommendations for appointment and reappointment to the above listed boards. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 9:59 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor