

**CITY COUNCIL MEETING
September 10, 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 September 10th, 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.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Amari Brooks; Amari attends Ortiz Elementary and is a 5th grader. Amari led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS AND RECOGNITIONS

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

<i>Baker Bryant</i>	<i>Fire Lieutenant</i>	<i>20 Years</i>
<i>Derek Ernst</i>	<i>Firefighter</i>	<i>20 Years</i>
<i>Daniel Taylor</i>	<i>Firefighter</i>	<i>20 Years</i>
<i>Tony Golson</i>	<i>Police Officer, Youth Division</i>	<i>30 Years</i>
<i>James "Mike" Phipps</i>	<i>Police Sergeant, CID Division</i>	<i>30 Years</i>
<i>Michael Scott</i>	<i>Supervisor III, Water Distribution</i>	<i>30 Years</i>
<i>David Watkins</i>	<i>Police Lieutenant, CID Division</i>	<i>30 Years</i>

PROCLAMATIONS

Mayor Archibald presented the following proclamations:

**September 10, 2009 is Abilene On the Move Day
Joy Hedges, Dr. Tanya Brice, Dennis O'Connell and Liz Rotenberry accepted the proclamation.**

September 13-19, 2009

National Assisted Living Week

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting August 27th, 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, the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilwoman Moore made the motion to approve consent items 6.1 through 6.5 as presented. Councilman Briley seconded the motion, the motion carried.

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

NAYS: None

Oral Resolutions:

6.1 Approved the purchase of the Bomb Squad Van for the transportation of the Andros F6A robot for the Abilene Police Department.

The West Central Texas Council of Government (WCTCOG) has provided grant funding for the purchase of a specialized truck to support the APD Bomb Squad. The truck will be used to house Bomb Squad equipment and transport the Andros F6A robot, recently purchased with WCTCOG grant funds. The truck is a purpose built vehicle designed specifically for the task of Bomb Squad operations. The APD Bomb Squad is tasked with operations throughout the 19 county WCTCOG area and is one of only 26 bomb squads in Texas.

The entire purchase price is covered by the WCTCOG grant. The City of Abilene will incur maintenance and operational costs once the truck is received.

Resolution:

6.2 Advance Funding Agreement with TxDOT for Federal Stimulus projects.

In January 2009 a list of 16 street and sidewalk construction projects was submitted by the Engineering Division to the Abilene MPO as “shovel ready” projects for possible inclusion in the Federal Stimulus package (aka the “American Recovery and Reinvestment Act of 2009” or ARRA). The top three priority projects were selected and have been approved through the MPO, TxDOT, and federally. Anticipated projects:

- Mockingbird Blvd.: from South 3rd St to Vogel Ave. – spot full depth pavement repair in places with a two course pavement surface treatment to be applied over the entire project length;
- Judge Ely Blvd.: from I-20 to E.S. 11th St. – pavement rehabilitation on the north end north of Ambler; spot full depth pavement repair in places with a two course pavement surface treatment to be applied to the remainder of the project limits;
- Barrow Street: from South 14th to South 27th St. – pavement rehabilitation over the entire project length.

These projects are to be designed and inspected by City staff with oversight from TxDOT's Abilene District Office. The total approved funding through ARRA for the three projects is \$2.8 million, which will cover the entire construction costs for these projects. The City will be responsible for compensating TxDOT employees for any plan review or administrative costs and these costs are not eligible for ARRA funding. These costs have been estimated at approximately \$3,400. Additional funds will be allocated to additional projects.

Resolution **#28-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE EXPENDITURE OF FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA).

Oral Resolution:

- 6.3** Approving a Street Use License from Hardin-Simmons University to control vehicular access on Simmons Ave.

A request for a Street Use License has been received from Hardin-Simmons University (HSU) for the purpose of controlling vehicular access to Simmons Avenue between Ambler Avenue and Vogel Avenue during football games. The HSU football stadium is located on the east side of Simmons Avenue near Vogel Avenue. Some of the primary parking areas for the stadium lies across Simmons Avenue, to the west and south.

Resolution:

- 6.4** Adopted the Revised Tax Abatement Policy.

Staff believes tax abatement should continue to be available as an incentive tool for use in recruiting new or expanded business to Abilene; however, it will be used sparingly in favor of other economic development tools available to accomplish this mission.

Resolution **#29-2009** and captioned as follows:

A RESOLUTION DECLARING THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ELECTS TO ADOPT A REVISED PROPERTY TAX

ABATEMENT POLICY SETTING OUT GUIDELINES AND CRITERIA IN ACCORDANCE WITH TEXAS TAX CODE ANN. §312.001 ET.SEQ., OTHERWISE KNOWN AS THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT (“ACT”), GOVERNING THE CREATION OF TAX ABATEMENT REINVESTMENT ZONES AND THE EXECUTION OF ALL TAX ABATEMENT AGREEMENTS BY THE CITY.

Bid Award:

- 6.5** Bid Award #**CB-9058** – Rebecca Lane Reconstruction Phase II – from U.S. Hwy 277 to Elm Creek Bridge. Council awarded the bid to Contract Paving Co., Tye in the amount of \$456,784.66.

REGULAR AGENDA

- 7.1** Jon James, Director of Planning and Development Services briefed the City Council on the Amendment to Section 23-313 of the City of Abilene Zoning ordinance regarding building lines.

The current building setback from a lot boundary adjacent to a collector street is thirty (30) feet. The same building setback is required from a lot boundary adjacent to an arterial street. The primary purpose of a collector street is to provide connection between arterial streets. Although still substantial, the traffic volumes on collector roads are much less than volumes on arterial streets. A reduced building setback would bring houses and buildings closer to the street which will help define the edges of the street.

The amendment to Section 23-313 in the Zoning Ordinance will reduce the required building setback from a lot boundary adjacent to a collector street to twenty-five (25) feet. As part of the planned Land Development Code, it is proposed to reduce the building setback requirement to 25 feet along collector streets.

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

Councilmen Williams made the motion to approve the Ordinance Amending Section 23-313 of the City of Abilene Zoning Ordinance. Councilmen Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance #**30-2009** and is captioned as follows:

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

Section 23-213.2.A Lot Boundary Adjacent to Street

7.2 Mindy Patterson, Director of Finance briefed the council on the Revised 2008-09 Budget and the Proposed 2009-10 Budget and the Resolution adopting Schedule of Rates and Charges for Water Utilities Department.

During the budget work sessions, the City Council approved a General Fund Revised 2008-09 Budget of \$69,912,640 and a Proposed 2009-10 Budget of \$70,543,980. The Proposed Budget can be funded at the tax rate of 69.32¢.

The Water Utilities Department proposes a water and sewer rate adjustment that is projected to raise \$1.183 million in net additional revenues. On average, 57% of residential customers in Abilene use 6,000 gallons of water per month or less. The current water and sewer bill for this customer is no more than \$39.74. If the proposed rates are adopted, this bill will be \$41.42. This means that on average, 57% of the residential customers in Abilene will see an increase of \$1.68 per month or less for water and sewer service. This resolution sets the effective date for the rate adjustment to be October 1, 2009. Customers will see the effects of the rates on their first bill in November 2009. The City's contract customers have a 60-day notice clause; therefore their bills will reflect these rates in January 2010.

Council and staff discussion included: 1) Hotel/Motel Tax – the council had recommended during the budget workshop to move 1% of the tax money to Frontier Texas; 2) council re-considered the proposed change to Frontier Texas as it relates to the Hotel/Motel Tax and has recommended to leave the monies the way it was originally proposed in the budget; 3) Frontier Texas is planning fund raiser this year to help offset their budget; 4) Hotel/Motel Tax which is based on % of sales has been flat at this time. The Hotel/Motel Tax projections will remain the same as presented in the proposed Budget.

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

Councilmen Briley made the motion to approve the Revised 2008-09 Budget, Proposed 2009-10 Budget and Resolution Adopting Schedule of Rates and Charges for Water Utilities Department. Councilmen Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinance **#31-2009** and captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2008-2009; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2009, THROUGH SEPTEMBER 30, 2010, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

Resolution **#30-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
REVISING THE SCHEDULES OF RATES AND CHARGES FOR WATER AND SEWER
UTILITY SERVICE.

7.3 Mindy Patterson, Director of Finance briefed the Council on the Final Public Hearing on the Proposed 2009-10 Tax Rate. The first public hearing was held on August 13, 2009, and the second public hearing was held on August 27, 2009.

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

Mayor Archibald made the motion approve the Ordinance setting the Tax Rate by stating "I move that property taxes be increased by the adoption of a tax rate of 69.32¢ per \$100 valuation." Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#32-2009** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2009, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2009; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:20 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 10:19 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with the City Attorney and Section 551.074 Personnel Matters.

10 Oral Resolution for the appointments to the City of Abilene Boards and Commissions.

Councilman Higgins made the motion to approve the Mayor's recommendation for the appointment of the following Board Members:

Abilene-Taylor County Venue District Board – Councilman Robert Briley

Abilene-Taylor County Public Health Advisory Board – Councilman Shane Price

Metropolitan Planning Organization Board – Councilman Joe Spano

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 10:20 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor