

CITY COUNCIL MEETING
September 24, 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 24th, 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, Anthony Williams, Robert O. Briley and Councilwoman Laura Moore. Councilman Joe Spano was absent. 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 Leonza Veasley; Leonza attends Reagan Elementary and is a 5th grader. Leonza 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:

October 7, 2009

International Walk to School Day

Ed McRoy, Planning and Zoning accepted the Proclamation

October 2009

Domestic Violence Awareness Month

Leigh Ann Fry, Executive Director Noah Project, accepted the Proclamation

October 15, 2009

White Cane Day

Mary Kindrick accepted the Proclamation

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Special Meeting September 3rd and Regular Meeting of September 10th, 2009. There being no deletions, no addition, and no corrections Councilman Price made a motion to approve the minutes as presented. Councilwoman Moore seconded the motion, the motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Briley made the motion to approve consent items 6.1 through 6.10 with the exception of items 6.2 and 6.7 as presented. Councilman Williams seconded the motion, the motion carried. *Items 6.2 and 6.7 pulled by Citizens.*

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

NAYS: None

Ordinances:

- 6.1** **Z-2009-09** – Appealed Item (*First Reading*) on a request from Oscar Gonzales to rezone property from AO (Agricultural Open Space) to MH (Mobile Home) zoning, located at 7809 W. Lake Road; and setting a public hearing for October 8, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING” OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

- 6.2** (*First Reading*) Amending Section **23-319** of the City of Abilene Zoning Ordinance regarding Airport Zoning; and setting a public hearing for October 8, 2009. (*Item pulled by a citizen.*)

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

Oral Resolutions:

- 6.3** Amended the by-laws for Keep Abilene Beautiful.

The City Council updated the roles and responsibilities of the City and Keep Abilene Beautiful (KAB) regarding the KAB Coordinator, added a Secretary to the KAB Board Officers and detailed the responsibilities of the Secretary. Council decreased the board composition from 17 to 13, changed the attendance requirements, required 6 hours of service at KAB events per quarter and updated the titles and roles of ex-officio members to Advisory Members and Community Partners.

- 6.4** Annual Contract Renewals – Development Corporation of Abilene, Inc.

The Development Corporation of Abilene, Inc. (DCOA) approved a budget for FY 2010 that includes contract renewals with the City of Abilene for Business Services and the Airport Business Development Management program, the Abilene Industrial Foundation, Inc., Chamber of Commerce, Military Affairs Committee, and Texas Tech University Small Business

Development Center. These agencies have been funded either wholly or in part by the DCOA since 1990.

Funding/Fiscal Impact:

Maximum amount to be reimbursed by the DCOA under FY10 contracts:

City of Abilene Business Services (Division 2760)	\$635,870
Property Maintenance (Division 2775)	\$150,000
Property Maint. Life Science (Division 2765)	\$233,810
Property Damage Ins. Premium (Division 2775)	\$ 86,290
City of Abilene Airport Business Dev. Mgmt (Div 6060)	<u>\$133,036</u>
Total	\$1,239,006 Paid by DCOA

The City renewed the Contract with Airport Business Development Management Program and the Contract with Business Services Division.

6.5 Accepted the 9-1-1 Emergency Communication District Revised FY09 and Proposed FY10 Budget.

The City of Abilene manages the Abilene/Taylor County 9-1-1 District, via contractual agreement with the District's Board of Governors. The Budget included the following:

- Funding to provide for our District's share of development of the next generation 911 databases to replace the current MSAG (Master Street Address Guide); and
- Anticipated compensation adjustments for both City and County positions for which the District provides funding in accordance with those entities' budgets.

Bid Awards:

6.6 The City Council awarded the purchase of Paratransit vehicles for CityLink. Funding is from an FY08 5309 Congressional Earmark (\$431,200 Federal) and FY09 ARRA funding (\$450,000 Federal). The FY09 ARRA funding does not require local match and the FY08 5309 Congressional Earmark was matched with \$73,304 in Transportation Development Credits, therefore no local funds are required. Purchase will be through HGAC for the amount of \$861,785.00

6.7 Bid **CB9050** – Purchase of a Bomb Response Van for the Abilene Police Department. West Central Texas Council of Government has provided grant funding for the purchase of a specialized truck to support the APD Bomb Squad. The entire initial purchase price is covered by the WCTCOG grant. The City Council awarded the purchase to Austin Truck & Equipment, Ltd., the low responsible bidder, in the amount of \$249,997.00. *(Item pulled by a citizen.)*

6.8 Bid **CB9045** – Roll-off Refuse Trucks. The City Council awarded the bid to Corley-Wetsel Freightliner, the low responsive bidder, in the amount of \$410,772.00.

6.9 Bid Houston-Galveston Area Council – Sewer Stop Trucks. The City Council approved the purchase through HGAC in the amount of \$288,965.00.

6.10 Bid Houston-Galveston Area Council – Sewer Vacuum Truck. The City Council approved the purchase through HGAC in the amount of \$275,931.40.

ITEMS PULLED FROM CONSENT

6.7 Bid **CB9050** – Purchase of a Bomb Response Van for the Abilene Police Department. (*Item pulled by a citizen.*)

- Irene Grant – asked that this item be pulled for clarification of the reason the low bidder didn't receive the bid.
- Lt. Tracy Weems – explained that there were 4 areas the low bidder failed to meet the specifications and was the reason for the low bidder not receiving the bid.

Councilman Williams made the motion to approve the purchase of a Bomb Response Van for the Abilene Police Department. Councilwoman Moore seconded the motion, motion carried.

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

NAYS: None

6.2 (*First Reading*) Amending Section **23-319** of the City of Abilene Zoning Ordinance regarding Airport Zoning; and setting a public hearing for October 8, 2009. (*Item pulled by a citizen.*)

- Mr. Robert Cockerel – Smith Pipe. Mr. Cockerel requested this item be pulled. Mr. Cockerel spoke in opposition to the Airport Zoning Ordinance and requested that all restrictions be lifted.
- Mr. Gayle Potter – Mr. Potter spoke in opposition to the Airport Zoning Ordinance and stated that no complaints have come from Dyess in regards to them or anything that they have done in that area.
- Mr. Chance Ferguson – Mr. Ferguson spoke briefly about the change of flight path in the last few days in regards to the C-130 flying different paths. He asked if the council was going to restrict the base.

Councilman Price made the motion to approve the First Reading of the Ordinance that amends Section 23-319 of the City of Abilene Zoning in regards to Airport Zoning. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

REGULAR AGENDA

7.1 Mike Hall, Director of Community Services briefed the City Council on the Sixth Addendum to Maxwell Golf Lease Agreement. In May 2004 the City entered into a 10 year lease agreement and the City is currently in the 5th year of that agreement. The Maxwell Golf Advisory Board is recommending that the City accept the 6th Addendum to the 10 year lease with West Texas Golf Systems.

Phil Gage the Chairman of the Maxwell Golf Advisory Board briefed the City Council on the activities of the Board. They have reviewed the request from West Texas Golf and is recommending

continuing the \$6,000 per month subsidy and waiving the gross rents for an additional year. The Maxwell Golf Advisory Committee reviewed West Texas Golf operation through seven months and determined that even with the \$6,000 fee per month there was a very minimal profit. The new rates went into effect in May and the full impact of the increases cannot be judged effectively for at least a year. Of this \$6,000 subsidy \$2,000 per month will go to pay on the water bill for the Golf Course.

Council discussion included: 1) discounts have been removed – Board doesn't see a big impact; 2) rounds of Golf have been up in August; 3) new tee markers; 4) seeking to get non-profits to come back out to the Golf course for activities; and 5) council would like to see a 6mth review.

Councilman Higgins made the motion to approve the sixth Addendum to the Maxwell Golf lease Agreement. Councilman Williams seconded the motion, motion carried.

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

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:36 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 11:17 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. Councilman Higgins left during executive session.

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

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

Recommended Nominations for the Jones County Appraisal District the following:

Dale Spurgin

Isaac Castro

David Dickerson

Randy Murphree

Stormy Higgins

Friends of Safety City:

Karen Stover – Expires 10/1/2011

Laura Moore – Expires 10/1/2011

Ken Poyner – Expires 10/1/2012

Yvonne Batts – Expires 10/1/2012

MaryAnn Martin – Expires 10/1/2010

Roger Dickey to Advisory Board Director (no limit)

Richard Valdez to Advisory Board Director (no limit)

Councilman Price seconded the motion, motion carried.

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

NAYS: None

11. Action related to annual performance evaluations of the City Attorney and City Secretary. No action was taken.

There being no further business the meeting was adjourned at 11:18a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor