

**CITY COUNCIL MEETING**  
**February 25, 2010 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 February 25<sup>th</sup>, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Stormy Higgins and Councilwoman Moore. Councilman Robert O. Briley was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Joe Spano gave the invocation.

Mayor Archibald introduced Fabian Fontenot. Fabian attends College Heights Elementary and is a 5<sup>th</sup> grader. Fabian led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PRESENTATIONS & PROCLAMATIONS**

Mayor Archibald introduced Windell Lowe Chair of the Abilene Business Council *ibuyBIGCOUNTRY* committee of the Abilene Chamber of Commerce. Mr. Lowe talked about buying from local merchants.

Mayor Archibald presented the following Proclamation:

February 14-20, 2010 National LULAC Week – presented to Ben Gonzales, President of LULAC Council 605

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Regular Meeting on February 11<sup>th</sup> there being no deletions, no additions, and no corrections, Councilman Price made a motion to approve the minutes as presented. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Moore and Mayor Archibald  
NAYS: None

**CONSENT AGENDA**

Councilman Higgins made the motion to approve consent items 6.1 through 6.4 as presented. Councilwoman Moore seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Moore and Mayor Archibald  
NAYS: None  
ABSTAINED: Mayor Archibald on item 6.3 due to conflict of interest.

**Resolutions & Oral Resolutions:**

- 6.1** **Oral Resolution** – Authorized the City Manager to sign an Agreement between the City of Abilene, Abilene Independent School District (AISD), Wylie Independent School District (WISD), Lytle Water district and the City of Impact to hold a Joint Election in certain voting precincts on May 8, 2010.
- 6.2** **Oral Resolution** – Authorized the City Manager to enter into an Election Services Contract with Taylor County Election Administrator to conduct the May 8, 2010 Election.

- 6.3** **Resolution** – Depository Contract with First Financial Bank of Abilene. Approved the contract to be in effect for a period of five years commencing March 1, 2010 through February 28, 2015. Service cost will be fixed for the length of the contract.

Resolution [#7-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
DESIGNATING FIRST FINANCIAL BANK, AS THE PRIMARY DEPOSITORY FOR  
COMMERCIAL BANKING SERVICES

- 6.4** **Resolution** – The City Council dedicated five acres of property as Wetlands. This property which is underwater when Fort Phantom Lake is full met the Texas Parks and Wildlife Departments' criteria for wetlands.

Resolution [#8-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
DEDICATING FIVE (5) ACRES OF CITY PROPERTY ALONG THE CREEK/DRAINAGE  
WAY AT LAKE FORT PHANTOM HILL AS DESCRIBED IN EXHIBIT A, ATTACHED,  
AS WETLAND FOR PERPETUITY, AS REQUIRED BY THE TEXAS PARKS &  
WILDLIFE DEPARTMENT; REPEALING ALL RESOLUTIONS IN CONFLICT;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

## REGULAR AGENDA

- 7.1** Danette Dunlap City Secretary briefed the City Council on the Resolution that Orders the City's General Election for Council Place 5 and Council Place 6. The Order also calls a Special Election to legalize the sale of all Alcoholic Beverages including Mixed Beverages, to be held on May 8, 2010. The cost to the city based on a joint election with the Abilene Independent School District is estimated at \$18,355.15.

Mayor Archibald explained also that this Special Called Election will affect only the area on the south side of the town around Abilene Regional Hospital over to Buffalo Gap Road and south to Beltway south back over to Hwy 83/84. This area was not in the original County Precinct vote in the late 70's when the City at that time voted to go wet. This area was not inside the City limits or contained in the Precinct boundary area when the election was held. All citizens of Abilene will get to vote on this issue.

Mayor Archibald called for a Public Hearing pursuant to the Election Code 501.021 and the Council heard from:

- Winston Ohlhausen – spoke against the Special Called Election to legalize the sale of all Alcoholic Beverages including Mixed Beverages.

There being no one else present and desiring to be heard Mayor closed the public hearing.

Councilman Price made the motion to approve the Resolution Ordering the City General Election and a Special Called Election to be held on May 8, 2010. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Moore and Mayor Archibald  
NAYS: None

Resolution [#9-2010](#) and captioned as follows:

*De la RESOLUCIÓN #9-2010*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING A GENERAL ELECTION AND A SPECIAL ELECTION TO LEGALIZE THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES, TO BE HELD MAY 8, 2010.

*(UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS, PIDIENDO UNA ELECCIÓN GENERAL QUE SE LLEVARA A CABO EL 8 DE MAYO DEL 2010, PARA LEGALIZAR LA VENTA DE BEBIDAS ALCOHOLICAS, INCLUYENDO LAS BEBIDAS MIXTAS.)*

**7.2** Jon James Director of Planning Development Services briefed the City Council on the Ordinance for Case No. **TC-2010-01**, a request from Abilene Ag Services & Supply, Inc. to abandon Rose Street between S 11<sup>th</sup> St. and S 14<sup>th</sup> St., S 12<sup>th</sup> St. approximately 200 feet east from Rose Street, S 13<sup>th</sup> St. approximately 200 feet east from Rose Street, and a north-south road between S 11<sup>th</sup> St. and S 13<sup>th</sup> St. approximately 200 feet east from Rose Street.

Improvements to these right-of-ways have never been completed. The right-of-way was dedicated for public use as part of the original Town Abilene Plat. The right-of-way width of Rose Street varies from 65 ft to 40 ft. There are existing platted lots that have their only access off of Rose St. However, there is an existing railroad within the right-of-way of Rose Street, S 13<sup>th</sup>, S 12<sup>th</sup> St., and the unnamed ROW to the east of Rose St have never been improved and are all contained by a single lot.

Mayor Archibald called for a Public Hearing and there being no one present and desiring to be heard the hearing was closed.

Councilwoman Moore made the motion to approve the Ordinance for Case No. **TC-2010-01**, a request from Abilene Ag Services & Supply, Inc. to abandon Rose Street between S 11<sup>th</sup> St. and S 14<sup>th</sup> St., S 12<sup>th</sup> St. approximately 200 feet east from Rose Street, S 13<sup>th</sup> St. approximately 200 feet east from Rose Street, and a north-south road between S 11<sup>th</sup> St. and S 13<sup>th</sup> St. approximately 200 feet east from Rose Street. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#4-2010](#) and captioned as follows:

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING

**Location: S. 12<sup>TH</sup> Street East of Rose Street, S. 13<sup>th</sup> Street East of Rose Street, Unnamed north-south street between S 11<sup>th</sup> Street & S 13<sup>th</sup> Street; Abandon as street right-of-way Rose Street south of S 13<sup>th</sup> but retain as an alley**



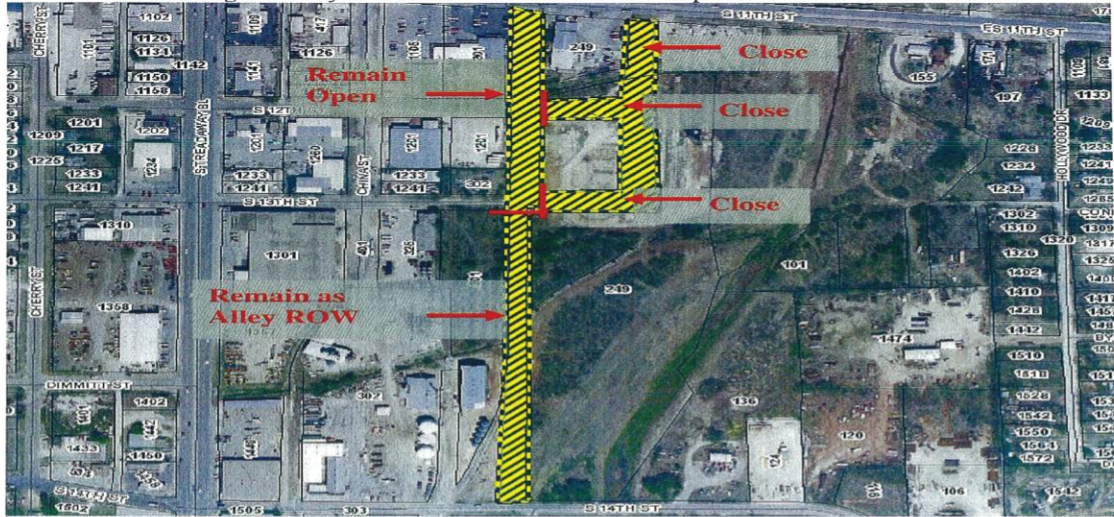
ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfares:

- Abandon S. 12<sup>th</sup> Street east of Rose Street
- Abandon S. 13<sup>th</sup> Street east of Rose Street
- Abandon the unnamed north-south street between S. 11<sup>th</sup> Street and S. 13<sup>th</sup> Street
- Abandon as street right-of-way Rose Street south of S. 13<sup>th</sup> Street, but retain as an alley

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. All of the adjacent properties be replatted within 12 months.
2. An Open Drainage/Utility Easement be retained along Rose Street.
3. Maintaining Rose St. south of S. 13th St. as an alley right-of-way
4. Rose St. north of S.13th St. to continue as it exists currently.

-END-

7.2 pg. 3

**7.3** Larry Gilley City Manager briefed the City Council on the status of the FY 2010 Budget. When the budget process began for FY 2010 the City made numerous cuts to the Budget to keep the Budget in balance while keeping the taxes static. The Debt Service side saw a slight increase over the prior year. The Sales Tax projection for this current year was projected to run 2% higher, this was based on research and consultation with Economists familiar with Texas Economics. The State of Texas was projecting a Bi-Annual increase in Sales Tax at 5%.

Sales tax represents 38.4% of the City Budget and Property Taxes represents 31.2% of the Budget Revenue side. On the Expense side 75% of cost are personnel cost.

The City has implemented many cost saving measures throughout the fiscal year which began on October 1, 2009. They include decreasing travel budgets, eliminating the 2% pay increase for non-civil servant employees including City Council appointees, three upcoming furlough days for all City employees, the voluntary retirement incentive program and directed transfers. These expenditure reductions are expected to result in a cost savings of \$2,378,150.

The City Council was also provided with examples of possible program reductions if it becomes necessary to make further budget adjustments. They include discontinuing the golf course subsidy, reducing hours at the Abilene Animal Shelter, closing the South Branch Library, discontinuing senior citizen van transport, closing pools, closing one recreation center, eliminating the mosquito spraying program, eliminating weed/nuisance abatement, eliminating wild animal trapping program, eliminating YMCA juvenile justice

program and eliminating graffiti eradication program. If all examples noted are utilized, it would amount to a six-month savings of \$430,840.

Council and Staff discussion included: 1) Southside Library 2) hours for all Library's 3) Recreation center close vs. lower hours; 4) next steps – watch the Sales tax reports and be prepared to take action; 5) A possible decline of 15% in Sales Tax; 6) Golf subsidy; 7) reduction in force; 8) possibility of setting benchmarks; and 9) voluntary retirement offers to eligible City employees.

No action taken on this item for information only.

## **EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session 10:02 am 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 11:10 am and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel Matters, Section 551.071 Consultation with Attorney, Section 551.072 Real Property and Section 551.087 Business Prospects.

**10.** Oral Resolution approving the appointment/reappointments to the following boards and commissions.

No appointments made to the Development Corporation of Abilene.

Councilman Higgins made a motion to Appoint Zane Travis, M.D. as the Health Authority for the City of Abilene. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Higgins, Councilwoman Moore and Mayor Archibald  
NAYS: None

There being no further business the meeting was adjourned at 11:10 a.m.

---

Danette Dunlap, TRMC  
City Secretary

---

Norm Archibald  
Mayor