

**CITY COUNCIL MEETING  
May 13, 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 May 13, 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, Robert O Briley and Stormy Higgins, and Councilwoman Laura Moore (through election returns). New Councilwoman Kellie Miller (following election returns). 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 Carlos Quintero; Carlos is a 5<sup>th</sup> grader at Johnston Elementary. Carlos led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald and Councilman Williams acknowledged the Rev. Scott family with the dedication of his picture that will be placed in City Hall in remembrance of his time served on the City Council as the first African American Councilmember.

Presentation by Kris Vehrs Executive Director with the Association of Zoos and Aquariums (AZA). AZA is a nonprofit organization dedicated to the advancement of zoos and aquariums, and accreditation is often referred to as the “gold standard.” While all animal facilities must be licensed by USDA, about 10 percent have gone to the extra effort to become AZA accredited. The Abilene Zoo has been accredited since 1985 and has undergone AZA inspections once every five years since that time. Ms. Vehrs presented the accreditation plaque to Vonceil Harmon Interim Zoo Director and Pat Donahue Board President.

Mayor Archibald introduced Jordan Wesley with Connecting Caring Communities. Ms. Wesley talked about the Virtual Volunteer Fair that will be held on-line at [www.Volunteertx.com](http://www.Volunteertx.com) the week of May 17<sup>th</sup>.

**EMPLOYEE SERVICE AWARDS AND RECOGNITIONS**

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

|                         |  |                 |
|-------------------------|--|-----------------|
| <i>Pompilio Melchor</i> | <i>Equipment Operator II, Solid Waste Services</i> | <i>20 Years</i> |
| <i>Kim Tarrant</i>      | <i>Program Administrator, Economic Development</i> | <i>20 Years</i> |

**PROCLAMATIONS**

Mayor Archibald presented the following proclamations:

**May 2010**

## **Older Americans and Elder Abuse Prevention Month**

Gail Kaiser – Area Agency on Aging accepted the Proclamation.

In attendance:

Mary Ann Ramirez – DADS Long Term Services and Supports

Jenny Goode – Betty Hardwick Center MHMR

Lesli Andrews – City of Abilene, Senior Division

Sandi Saringer – Adult Protective Services

Christian Clyburn – Big Country RSVP

Libby Connally – Abilene Office, Alzheimer’s Association – North Central Texas Chapter

**May 16 – 22, 2010**

## **National Public Works Week**

Megan Santee, Interim Director of Public Works, accepted the Proclamation along with other from the Public Works Department

## **SPECIAL CONSIDERATION 2010 CITY ELECTION RETURNS**

City Secretary Danette Dunlap presented the Resolution Canvassing the May 8<sup>th</sup> General Election and Special Called Election for the For/Against the legal sale of alcohol. Stormy Higgins received 80.46% of the vote for Council Place 5. Kellie Miller received 57.33% of the vote for Council Place 6. The Special Local Option to Legalize “The Legal sale of all alcoholic beverages including mixed beverages” has passed with FOR 1743/AGAINST 1370.

It is our recommendation that the Resolution be approved.

Councilman Price made the motion to approve the Resolution canvassing the May 8<sup>th</sup> General Election and Special Election. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution numbered [#14-2010](#) and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION AND SPECIAL ELECTION TO LEGALIZE THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES, HELD ON MAY 8, 2010.

*(UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE TEXAS, REVISANDO LA RESPUESTA Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL Y ELECCION ESPECIAL PARA LEGALIZAR LA VENTA DE BEBIDAS ALCOHOLICAS INCLUYENDO BEBIDAS MIXTAS, QUE SE LLEVARAN ACABO EL 8 DE MAYO DEL 2010.)*

Mayor announced that this is the time of year that the council receives their annual pay per the City Charter. The City Charter states that the Mayor and each Councilman shall receive a salary of one dollar per year for each year he serves as Mayor and Councilman

Mayor Archibald called Councilwoman Laura Moore forward and presented her with a plaque for her years of service as a councilwoman for the City of Abilene.

Mayor Archibald then called Councilman Stormy Higgins and Councilwoman Elect Kellie Miller forward to have the Oath of Office administered. After the Oaths were administered Mayor invited all to attend a reception honoring Laura Moore for her service and Councilman Stormy Higgins and Councilwoman Kellie Miller on their election.

### **DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the Regular Meeting April 22, 2010. There being no deletions, no addition, and no corrections Councilman Briley made a motion to approve the minutes as presented. Councilman Higgins seconded the motion and the motion carried.

AYES: Councilman Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

### **CONSENT AGENDA**

Councilman Spano made the motion to approve consent items 6.1 and 6.6 as presented. Councilman Price seconded the motion, the motion carried. Councilman Williams abstained on Item 6.1.

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

NAYS: None

ABSTAINED: Councilman Williams on Item 6.1

### **Resolution:**

**6.1** Financing by the Stamford Higher Education Facilities Corporation for Abilene Christian University. The City will have no liabilities for the payment of the obligations nor shall any of its assets be pledged to the payment of the obligations. The City Council approved the adoption of the Resolution.

Resolution numbered [#15-2010](#) and captioned as follows:

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING BY THE STAMFORD HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.

### **Oral Resolutions:**

**6.2** Oral Resolution Approving a Commercial Lease Renewal with Charolette Morris, Ft. Phantom Lake Lots 492,492 A, 492 B & 492 C. City Council authorized the City Manager to execute the Commercial Lease Agreement with Charolette Morris.

- 6.3** Oral Resolution - Street Use License Agreement with the Center for Contemporary Arts for “Carwalk-Artwalk.” City Council authorized the Mayor to execute the Street use License Agreement.
- 6.4** Oral Resolution – Ratifying the City Manager’s Approval of a Charitable Solicitation Agreement between the Muscular Dystrophy Association and the City of Abilene for the Fill the Boot Campaign. The City Council authorized the approval of the Charitable Solicitation Agreement.

**Bid Awards:**

- 6.5** **HGAC Contract #GR 01-10** – Horizontal Grinder. City Council approved the purchase from the Houston/Galveston Area Council in the amount of \$315,235.50.
- 6.6** **CB #1029** – E. S. 11<sup>th</sup> Street (aka S. H. 36) and Judge Ely Boulevard Traffic Signal Modification. City Council awarded the bid to Willis Electric Company, L.P., of Abilene, TX. in the amount of \$126,612.50.

**REGULAR AGENDA**

**7.1** Mike Hall Director of Community Services, briefed the council on the Ordinance to amend the Municipal Code Chapter 22, Section 22-2. Mr. Hall introduced Amber Cree a member of the Parks Board who brought forth the amendments to the Chapter 22, Section 22-2. The amendments recommended by the Board limit this use to the Abilene Zoological Gardens within the perimeter fence or Education Building only. The amendments further limit this use to an invitation-only fund raising event during non-public hours. An approved permit from the Parks and Recreation Board is required in addition to those stipulations and the rules for granting such permits have been made a part of the recommended ordinance. The conditions for a permit include written request, use of licensed caterers, security personnel must be provided, hours are limited to non-public hours and in no event between 12:01 a.m. and 5:30 a.m., insurance approved by the legal and Risk Management Departments, conformity with all other applicable municipal codes and ordinances, and conformity with any other conditions the Parks and Recreation Board deems prudent and appropriate. The proposed ordinance provides further that the Board may deny any permit for this activity if in its judgment the activity is inappropriate to the Zoo setting or may conflict with other events in the park.

Mayor Archibald opened the Public Hearing and the council heard from the following:

- Ron Konstantin – encouraged council to accept board recommendations
- Charles Zollars – spoke against the ordinance

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

Council and Staff discussion included: 1) concerns of relaxing regulations in areas; 2) area near where children play Fort Imagination; 3) after hours only; 4) Zoo hours are from 9:00 am till 5:00 pm and 5) discussion of not starting special events until after 6:00 pm.

Councilman Price made the motion to approve the Ordinance amending Chapter 22 Section 22-2 of the Code which prohibited the possession of alcohol within any city park; and amended to allow alcohol pursuant to a permit process for no-profit fundraising events at the Zoo and limit the time till after 6:00 pm. Councilman Williams seconded the motion, motion carried.

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

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

AN ORDINANCE AMENDING CHAPTER 22 SECTION 22-2 OF THE CODE OF THE CITY OF ABILENE BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

**Intoxicating beverages prohibited, confiscation; Zoo permit**

**7.2** Jon James Director of Planning and Development Services briefed the City Council on the Ordinance amending regulations pertaining to “Liquor Store On-Premise Consumption” in the Agricultural Open Space Zoning District. Recently, the Parks & Recreation Board recommended a change to the previously approved amendment regarding alcohol in AO zoning adding the following use to the list: zoo. The Municipal Golf Advisory Committee met after and recommended a change to include golf courses. The zoo use would be restricted to events with a permit approved by the Parks and Recreation Advisory Board. This amendment will revise the language in the new Land Development Code.

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

Councilman Spano made the motion to approve the Ordinance amending the regulations pertaining to “Liquor Store On-Premise Consumption” in the Agricultural Open Space Zoning District. Councilman Higgins seconded the motion, motion carried.

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

Ordinance numbered [#10-2010](#) and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," ZONING REGULATIONS" 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  
**Zoning: Conditions for Liquor Store On-Premise Consumption/Parks**

**EXECUTIVE SESSION**

Mayor Archibald recessed the Council into Executive Session at 10:22 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 11:37 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation/Consultation with Attorney and Section 551.087 Business Prospect/Economic Development.

**10.** Oral Resolution approving the appointment of Mayor Pro-tempore(s).

Mayor Archibald made the motion to appoint Anthony Williams Mayor Pro-tem and Robert O. Briley as Deputy Mayor Pro-tem. Councilman Price seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 11:40 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor