

**CITY COUNCIL MEETING
September 9, 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 September 9th, 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, Stormy Higgins and Councilwoman Miller. 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 Mark Mahar. Mark attends Bassetti Elementary and is a 5th grader. Mark led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARDS

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

<i>Rayetta Dorman</i>	<i>Bldg. Main. Specialist III, Zoo</i>	<i>20 Years</i>
<i>Patricia Duran</i>	<i>Administrative Clerk II COACH</i>	<i>20 Years</i>
<i>Ricky Carroll</i>	<i>Police Patrol</i>	<i>30 Years</i>
<i>Kelly Willis</i>	<i>Police Traffic</i>	<i>30 Years</i>
<i>William Warren</i>	<i>Firefighter, Fire Tactical Operation</i>	<i>35 Years</i>

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on August 26th and Special Meeting August 30th there being no deletions, no additions, and no corrections, Councilman Price made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

AYES: Councilmen 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 through 6.6 as presented with the exception of Item 6.2. Councilman Williams seconded the motion, motion carried. *Item 6.2 pulled prior to the meeting.*

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

NAYS: None

Oral Resolutions:

6.1 Oral Resolution – Accepting 9-1-1 Emergency Communications District Revised FY 2010 and Proposed FY 2011 Budgets.

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

Budget highlights include:

- Increased land line revenues due to AT&T's increasing its base rate charged to its residential and commercial customers (revised and proposed)
- Wireless provider network build out payment settlement (revised)
- Anticipated compensation adjustments for both City and County positions for which the District provides funding in accordance with those entities' budgets. (proposed)
- Equipment for the backup PSAP in the Emergency Operations Center (EOC) for the Taylor County Sheriff's office dispatchers, funding for CODE RED reverse 9-1-1 notification system, funding for GIS Aerial photography project in collaboration with Central Appraisal District (proposed)

Council accepted the 9-1-1 Revised FY 2010 and Proposed FY 2011 Budgets

- 6.2** **Oral Resolution** – Ratifying Amendment 2 to the Meet and Confer Agreement between the City of Abilene and the Abilene Professional Fire Fighters Association. (*Item pulled prior to meeting*)
- 6.3** **Oral Resolution** – Council approved a Street Use License for McMurry University to close a portion of Ross Ave. for the “McMurry Celebration Luncheon”. For the purpose of blocking off the 1500 and 1600 blocks of Ross Avenue.
- 6.4** **Oral Resolution** – Council approved a Street Use License for Hardin-Simmons University to control vehicular access on Simmons Avenue between Ambler Avenue and Vogel Avenue during football games.

Ordinance:

- 6.5** **Ordinance** – (*First Reading*) approving a negotiated resolution between the ATMOS Cities Steering Committee and ATMOS Energy Corp., Mid-Tex Division regarding the Company's third rate review mechanism filing in all Cities Exercising Original Jurisdiction.

The Atmos Cities Steering Committee (“ACSC”) and Atmos Mid-Tex created the Rate Review Mechanism (“RRM”) as an alternative to the GRIP surcharge process. The RRM process has allowed for a more comprehensive rate review and annual adjustment and as a substitute for future GRIP filings during the three-year trial period.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM (RRM) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS MID-TEX'S PROOF OF REVENUES; EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF; RATIFYING THE SETTLEMENT AGREEMENT, INCLUDING COST RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE;

AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

Award of Bid:

6.6 Bid Award – CB#1033 S 14th Street resurfacing (S. Danville to S Pioneer Dr.), CSJ #0908-33-090 – Taylor County Project #STP 2011 (340) ES. The construction costs of this project are to be reimbursed to the City through the American Reinvestment and Recovery Act of 2009 (aka the Federal Government's Economic Stimulus" package), as per the signed Advance Funding Agreement with the Texas Department of Transportation.

The City will be responsible for materials testing and construction cost overruns on the project. Funds are available to pay for these costs from unobligated balances from previously sold Certificates of Obligation and General Obligation bonds.

Council approved award of bid to Stephens Martin Paving, LP, Abilene, Texas in the amount of \$116,510.54.

REGULAR AGENDA

7.1 Jon James Director of Planning Development Services briefed the City Council on an Ordinance for **Case No. Z-2010-10**, a request from the City of Abilene to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to PD (Planned Development) zoning, located at the southeast corner of West Lake Rd. and being approximately 90 acres.

Currently the property is zoned AO and GC and has been developed with a City Park, boat ramps, RV Park and restaurant. The adjacent property to the north is undeveloped. There are single family homes bordering the subject property on the south. There are commercial developments to the west across W Lake Rd., and Lake Fort Phantom Borders the property on the south.

The Lake Fort Phantom Land Use Plan identifies this area as a Commercial Recreational area. The plan also designates this general area as a special point of interest. The proposed PD (Planned Development) would incorporate a variety of recreational as well as commercial activities on the property to promote future development and activity on the lake. The PD also includes several design guidelines for the property to ensure development is consistent with the Lake Fort Phantom Hill Land Use Plan. Overall the proposed PD is compatible with the surrounding uses as well as the Lake Fort Phantom Hill Land Use Plan.

Staff recommendation: recommends approval of the PD.

Planning and Zoning Commission recommendation: approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd and McClarty) to none (0) opposed.

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

Councilman Williams made the motion to approve Ordinance **Z-2010-10** a request from the City of Abilene to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to PD (Planned Development) zoning, located at the southeast corner of West Lake Rd. and being approximately 90 acres. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance [#21-2010](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE" OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

Location: SE corner of West Lake Rd and Johnson Rd and being approximately 90 acres. Bound by West Lake Road to the west, Johnson Road to the north, and Lake Fort Phantom to the south.

7.2 Jon James Director of Planning and Development Services briefed the Council on an Ordinance for **Case No. Z-2010-11**, a request from the Development Corporation of Abilene, Inc. to amend PD-73 concerning signage and business identification.

Currently the property is zoned PD and has been developed with large scale industrial type uses. There are several commercial and industrial uses in the surrounding area. The existing developments are all large scale buildings, the increased size of the identification on the structures would allow these developments to better identify themselves without detracting from the overall aesthetic quality of the development within the PD.

Letter signage and logo may be mounted to the exterior wall of the facility for company identification purposes, with a maximum letter height of 18 inches for letters mounted 18 feet or less from the ground, measured from the top of the letter. The height of letters mounted more than 18 feet from the ground may be increased by 1 inch for each 1 foot increase in building height above 18 feet, to a maximum letter height of 48 inches. Logos may be up to 1.5 times taller than the maximum letter height allowed for a specific facility. Letters and logos must be manufactured by a commercial sign manufacturer.

Council and Staff discussion included: 1) the current size of the Logo on the PWP building.

Staff and Planning & Zoning Commission Recommendation: Approval as requested by a vote of 5-0. (In favor Bixby, Famble, Glenn, Todd and McClarty)

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

Councilman Higgins made the motion to approve the Ordinance for **Case No. Z-2010-11**, a request from the Development Corporation of Abilene, Inc. to amend PD-73 concerning signage and business identification. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#22-2010](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE,

AMENDING PD-73 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Amend under PART 7: Specific Modifications, B16

16. Signage: Site/Facility Identification:

- Letter signage and logo may be mounted to the exterior wall of the facility for company identification purposes, with a maximum letter height of 18 inches for letters mounted 18 feet or less from the ground, measured from the top of the letter. The height of letters mounted more than 18 feet from the ground may be increased by 1 inch for each 1 foot increase in building height above 18 feet, to a maximum letter height of 48 inches. Logos may be up to 1.5 times taller than the maximum letter height allowed for a specific facility. Letters and logos must be manufactured by a commercial sign manufacturer.

7.3 Jon James Director of Planning and Development Services briefed the Council on an Ordinance for **Case No. Z-2010-12**, a request from Butterfield Meadows, LLC to rezone property from MD (Medium Density) to PH (Patio Home) zoning, located at the 3500 block of Firedog Rd.

The properties are zoned MD and are undeveloped. The adjacent properties have been developed with a few single family residential homes to the north as well as a few patio home developments to the south. The commercial property to the west along HWY 277 South remains undeveloped.

The request would reduce the number of dwelling units that would be allowed since PH zoning is single family and MD is multifamily zoning and would reduce the overall density of the area. The request would also allow for decreased setbacks on the subject properties. The requested zoning is compatible with the surrounding uses as well as the Future Land Use Map and Comprehensive Plan.

Staff and Planning & Zoning Recommendation: approved the request.

Mayor Archibald opened the public hearing and the Council heard from the following:

- Tal Fillingim – agent for the Development, asked for support of the zone change.

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

Councilman Briley made the motion to approve an Ordinance for **Case No. Z-2010-12**, a request from Butterfield Meadows, LLC to rezone property from MD (Medium Density) to PH (Patio Home) zoning, located at the 3500 block of Firedog Rd. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance [#23-2010](#) and captioned as follows:

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.

7.4 Jon James Director of Planning and Development Services briefed the Council on an Appealed Item, Ordinance for **Case No. Z-2010-13**, a request from Joseph Lopez to rezone property from RS-6 (Single Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10th Street.

The property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10th Street. The property to the east across Avenue F is developed with a multi family home.

Neighborhood Office seems to be an appropriate zoning for the subject property since the property has frontage at the intersection with an arterial street. The required landscaping and buffering will also help to soften the impacts of any development on the surrounding neighborhoods.

Staff Recommendation: approval of the zone change.

Planning & Zoning Commission Recommendation: denial by a vote of 5-0. (Bixby, Famble, Glenn, Todd and McClarty)

Mayor Archibald opened the public hearing and council heard from the following citizens:

Speaking for the Zone Change request were the following: Tal Fillingim – agent for the applicant and Joseph Lopez Realtor for the First National Bank of Baird.

Speaking against the Zone Change request were the following: Charlie Marler, Cheryl Bacon, Bob Johnson, Virginia Bailey, Ron Konstantin, Garnie Hatch.

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

Councilman Williams made the motion to deny the Ordinance for **Case No. Z-2010-13**, a request from Joseph Lopez to rezone property from RS-6 (Single Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10th Street. Mayor Archibald seconded the motion, motion carried.

AYES: Councilmen Williams, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: Councilmen Price, Spano and Briley

7.5 Jon James Director of Planning and Development Services briefed the council on an Ordinance to amend **Section 2.4.2.1** Land Use Matrix and **Section 2.4.3** requirements applicable to Specific Land Uses of the Land Development Code.

The change comes about due to concerns and comments that have been presented to the Planning & Zoning Commission in regards to Car Washes and noise.

Amend: Section 2.4.2.1 Land Use Matrix

Change: Amend Chart for Automobile Washes in GR, GC, HC & LI Zoning Districts

Amend: Section 2.4.3 Requirements Applicable to Specific Land Uses

Change: Add conditions for Automobile Washes:

Automobile Wash

In a GR, GC, HC or LI District. If within 200 feet of property zoned for single-family residential, a Conditional Use Permit shall be required.

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 an Ordinance to amend **Section 2.4.2.1** Land Use Matrix and **Section 2.4.3** requirements applicable to Specific Land Uses of the Land Development Code. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#24-2010](#) and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT" SUBPART B "LAND DEVELOPMENT CODE," 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.

AMEND: Section 2.4.2.1 Land Use Matrix

AMEND: Section 2.4.3 Requirements Applicable to Specific Land Uses

7.6 Mayor Archibald made the motion to remove from the TABLE the **PA-2010-02**. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Jon James Director of Planning and Development Services briefed the council on case **PA-2010-02** a petition for relief from a dedication or construction requirement for Memorial Drive south of The Villages of Abilene development.

Enprotec/Hibbs & Todd has submitted a letter to the City Engineer requesting a waiver of the requirement to construct Memorial Drive as a condition of platting property located south of The Villages of Abilene development.

The applicant has provided numbers that show the cost of building Memorial Drive and explained the added cost to the lots for fully building the entire length of Memorial Drive. The applicant has proposed to construct approximately the north 250 feet of Memorial Drive for entrance into the proposed development and to in the future build the south 250 feet for the south entrance.

Development Review Committee Recommendation: denial of this request based on the following factors: the Master Thoroughfare Plan identifies a future collector street in this area; the right-of-way for Memorial Drive currently exists; the only access to the proposed development is from Memorial Drive; and the request does not justify that the cost of building Memorial Drive is disproportionate to the cost of the development

Staff Recommendation: The Public Works Director is recommending denial of this request, based on the findings of the Development Review Committee.

Mayor Archibald opened the public hearing and the council heard from the following:

- David Todd – Engineer with Enprotec/Hibbs & Todd spoke in support of the Proportionality Appeal request.
Council and Staff discussion included: 1) discussion of splitting the cost with the City at 50/50; 2) Concept plan shows the N/250 ft to be built by the developer at full width, and deferring to the future the S/250 portion at ½ the width; 3) staff supports deferral; 4) what is the feasibility of Memorial Drive being built to Antilley Road on the south and being completed to the North to the access road; 5) requirements for the proportionality appeal are based on what would it cost a similar development vs. this development; 6) the building of Memorial Drive is on the Capital Improvements Program; and 7) encourage development in the City.

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

Councilman Briley made the motion to grant the Proportionality Appeal **2010-02**, a petition for relief from a dedication or construction requirement for Memorial Drive south of The Villages of Abilene development would be substantially similar to the concept plan presented. Councilman Williams seconded the motion, motion carried.

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

7.7 Mike Hall Director of Community Services briefed the council on the Resolution authorizing the exchange of land between the City of Abilene and the Abilene Independent School District.

Prior to 1964 the City of Abilene and the Abilene Independent School District co-owned land at several sites throughout the community including land at 1733 South 20th Street where Bowie School and Bowie Park currently are. In 1964, AISD and the City divided the land so that AISD would have clear title to the land now occupied by Bowie Elementary and the City would have clear title to the adjacent half block that is used for a City Park. AISD is considering an expansion of Bowie Elementary School and would need part of the land currently owned and designated as a City park.

AISD needs an additional 1.558 acres of City Park property in order to expand Bowie Elementary School in a way that maximizes the utility of the school and the site with an efficient campus design. AISD's plan includes an equivalent 1.558 acres of land on the Bowie campus that will not be used for school purposes. The proposal is to exchange the school acreage for the City park acreage since both are of equal size and value. Further, the City has not developed the acreage being requested and there will be no loss of improvements or facilities as a result of the exchange. The resulting site available for park purposes after the exchange will be as suitable for park development as the existing site. The resulting site available for school purpose gives AISD a site that is feasible for development as an expanded school.

Notice of public hearing regarding this land exchange has been published in the Abilene Reporter News, a newspaper of general circulation, on August 15, 22 and 29 of 2010 in accordance with the requirements of Texas Parks and Wildlife Code Section 26.002. After public hearing, in order to approve the land exchange, the City Council must make findings as required by Texas Parks and Wildlife Code Section 26.001, specifically that there is no feasible and prudent alternative to the taking of the land and that the project includes all reasonable planning to minimize harm to the land as a park.

Mayor Archibald opened the public hearing and the council heard from the following:

- Charlie Wolfe – Abilene Independent School Board Member, spoke in support of the exchange of land between the School and the City.

There being no one else desiring to be heard the public hearing was closed.

Councilman Spano made the motion to approve the Resolution authorizing the exchange of land between the City of Abilene and the Abilene Independent School District. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution [#23-2010](#) and captured as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY TO EXCHANGE PARK LAND WITH THE ABILENE INDEPENDENT SCHOOL DISTRICT FOR LAND LOCATED ON THE CAMPUS OF BOWIE ELEMENTARY.

7.8 Mindy Patterson Director of Finance briefed the council on the final reading for the General Fund Revised 2009-2010 Budget of \$67,911,830 and the Proposed 2010-11 Budget of \$69,516,630. The Proposed Budget can be funded at the tax rate of 69.86¢.

Council and staff discussion included: 1) Fire Department staffing for the Field Resource Medics and the purchase of cardiac monitors.

Mayor Archibald opened the public hearing and the Council heard from the following citizens requesting that the City not raise the property tax rate and asking them to cut the budget:

Ron Konstantin, Marsha Carter, Ken Reed, J. C. Gibson, Walter Gilstrap, Greta Garbo, Melinda Gardner, Dan Symonds, Jim Pickens, and Dawn Wagoner.

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

Council and staff discussion included: 1) major cuts have been made in the budget by staff prior to the budget coming before the city council; 2) 1.6 million payroll cut over the last year; 3) delaying the pay increase for non-civil service employees until 6 months into the budget year; 4) 3% pay increase for non-civil service employees is \$534,160 for an October 1 beginning date; 5) the proposed property tax rate increase would = \$236,200; 6) use of fund balance to pay for the amount that would be generated by the proposed property tax rate increase instead of a property tax increase; 7) the city currently has 2.7 months of reserved fund balance; 8) suggested review of all programs this next year; 9) the city has used layoff's, furlough days, no raises to reduce operational costs, the next cuts would be to review programs; 10) no capital improvements are in this proposed budget contains only operational expenses; and 11) council praised staff for the work they have done and continue to do on the budget and everyday operations of the city.

Mayor Archibald made the motion to approving revised budget figures for Fiscal Year 2009-10 Budget; adopting, approving and appropriating funds for the budget for the Fiscal year 2010-11 in the amount of \$69,516,630. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

Ordinance [#25-2010](#) and captioned as follows:

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2009-2010; APPROVING AND ADOPTING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2010, THROUGH SEPTEMBER 30, 2011, FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

7.9 Mindy Patterson Director of Finance briefed the council on the final reading for the proposed 2010-11 tax rate. The FY 2011 Budget would set the tax rate at 69.32¢ which is the same rate as last year.

Mayor Archibald opened the public hearing and the Council heard from the following:

The following citizens thanked the City Council for not raising the property tax rate: Greta Garbo, Marsha Carter, Ken Reed, Ron Konstantin, and Dan Symonds.

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

Mayor Archibald moved that the property tax rate be increased by the adoption of a tax rate of 69.32 per \$100 valuation, which is effectively a .4 percent increase in the tax rate. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#26-2010](#) and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS APPROVING THE ASSESSMENT ROLL FOR 2010, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2010; 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 12:44 pm 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 1:18pm and reported no votes or action was taken in Executive Session in regards to Section 551.074 Personnel (Boards and Commissions).

10.0 Oral Resolution approving the Mayor's appointments for the following boards:

Abilene/Taylor County 9-1-1 Board

- Jim Bryan
- Jeff Wyatt

Abilene Housing Authority

- Mica Jones

Airport Development Board

- Michael Redden

Councilman Briley made the motion to approve the Mayor's appointments for the above mentioned boards. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 1:19 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor