

**CITY COUNCIL MEETING
December 16, 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 December 16th, 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, Robert O. Briley, Stormy Higgins, and Councilwoman Miller. Councilman Williams was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Price gave the invocation.

Mayor Archibald introduced Elijah Maldonado. Elijah attends Fannin Elementary and is a 5th grader. Elijah led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

RECOGNITION

Mayor Archibald recognized Lenka Wright, Communications & Media Relations Manager for her time and accomplishments with the City of Abilene. Lenka is moving to San Jose, California.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the December 2nd Regular Meeting there being no deletions, no additions, and no corrections, Councilman Higgins made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.12 as presented. Councilwoman Miller seconded the motion, motion carried.

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

Oral Resolutions:

- 6.1** **Oral Resolution:** Authorized the City Manager to execute a contract with Richard J. Leidl, P. C. for professional services as a Washington D.C. area legislative and regulatory consultant, to assist in identifying sources of federal funding for City projects.
- 6.2** **Oral Resolution:** Authorized the City Manager to execute an agreement with Ann's Airport Café. The operating agreement will be for a 3-year term with no rent or fees due to the city the first year and an option for no rents/fees the second year at the discretion of the Airport Development Board. The restaurant will provide the city monthly revenue reports, which will help determine the need for continuing no rent in the 2nd year. Rent will be set at \$450.00 per month, when implemented.

- 6.3** **Oral Resolution:** Authorized the City Manager to execute an agreement with Buffalo Trading Post located at the Airport. The operating agreement will be for a 3-year term with no rent or fees due to the city the first year and an option for no rents/fees the second year at the discretion of the Airport Development Board. The gift shop will provide the city monthly revenue reports, which will help determine the need for continuing no rent in the second year. Rent will be set at \$200.00 per month, when implemented.
- 6.4** **Oral Resolution:** Street Use License for installation of monitoring wells – Cirrus Associates. Council authorized the Mayor to execute the Street Use License with Cirrus Associates, LLC. The request is to install additional groundwater monitoring wells in the public right of way where necessary along the east side of the right of way of Almond Street between East North 10th Street and East North 13th Street.

Ordinances:

- 6.5** **Ordinance:** (*First Reading*) Appealed Item: **Z-2010-18** a request from Oren S. McGrew to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, located at 1618 & 1602 Hillview Rd; and setting a public hearing for January 13, 2011.

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.

Location: 1602 & 1618 Hillview Rd.

- 6.6** **Ordinance:** (*First Reading*) **Z-2010-19** a request from Marlen Martinez and the City of Abilene to rezone property from GC (General Commercial) to RS-6 (Single Family Residential) zoning, located at 617 & 609 Portland Ave.; and setting a public hearing for January 13, 2011.

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.

Location: 609 & 617 Portland Ave.

- 6.7** **Ordinance:** (*First Reading*) **Z-2010-20** a request from Joseph Lopez to rezone property from MD (Medium Density Residential) to NO (Neighborhood Office) zoning, located at 965 EN 10th St.; and setting a public hearing for January 13, 2011.

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.

Location: 965 EN 10th St.

- 6.8** **Ordinance:** (*First Reading*) **TC-2010-03** a request to abandon a 10' alley right of way North of the 1700 Block of San Jacinto Dr. that extends approximately 800' west of Northway Drive; and setting a public hearing for January 13, 2011.

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: 10' alley right of way north of the 1700 Blk of San Jacinto Drive that extends approximately 800' west of Northway Drive.

Award of Bids:

- 6.9** **Award of Bid: CB-1104** One (1) Extended Boom Backhoe Loader. Council approved the purchase of an extended boom backhoe loader to be shared by the Water Distribution and the Sewage Collection divisions of the Water Utilities department. Award was given to Warren Cat in the amount of \$79,544.00.
- 6.10** **Award of Bid: CB-1100** CityLink Transfer Lane Rehabilitation. The passenger transfer area, located at the southwest corner of S 2nd and Sycamore, consists of a covered area with bus lanes and passenger amenities. The CityLink Transfer Lane Rehabilitation project includes a variety of elements including repair of damaged and deteriorated walkways and curbs; rehabilitation or replacement of facilities, e.g., benches, bike racks, and signage; ADA improvements; painting of the cover; etc. The project will improve the functionality and appearance of the transfer area and create a more pedestrian friendly environment. Council awarded the bid to Justice Construction for the amount of \$146,400.00. This project is funded by American Recovery and Reinvestment Act funds. No local match is required.
- 6.11** **Award of Bid: CB-1103** Purchase of Walking Excavator. Council approved the purchase of a replacement walking excavator for use by the Stormwater Services Division of Public Works. Award was given to GS Equipment Inc of Tampa, Florida in the amount of \$346,475.00.
- 6.12** **Award of Bid:** Purchase ARFF Truck for the Airport under the AIP Grant. Council approved the purchase of a new Aircraft Rescue and Fire Fighting Truck (ARFF). The truck will replace a 1990 model ARFF truck that carries 1,000 gallons of water with a 1,500 gallon truck that meets FAA ARFF requirements. This new truck will give the airport two fully index capable ARFF trucks. Award was given to Oshkosh Corporation in the amount not to exceed \$604,718.55. This project will be funded 95% by AIP Grant 3-48-0002-39-09 and 5% by the City.

REGULAR AGENDA

7.1 Leslie Andrews Recreation/Senior Services Administrator briefed the council on the Ordinance approving the Standards of Care. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state's licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City's standards is that we have established standards for 6-13 years of age, whereas the state's standard is for 0-6 years of age, a population the city does not serve.

The Standards of Care require three inspection/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a certified professional not associated with the City of Abilene. That visual inspection was conducted on October 19, 2010. The Certified Parks and Recreation Professional who assisted was Ben Telesca, Recreation Superintendent of Midland, Texas. The third level is an annual site inspection by both the Fire Marshal and Environmental Health. All of those inspections and reviews were satisfactorily completed and the program is in compliance.

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

Councilman Briley made the motion to approve the Ordinance establishing Standards of Care for City of Abilene Youth programs. Councilman Price seconded the motion, motion carried.

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

Ordinance **#36-2010** and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.

7.2 Mindy Patterson briefed the council on the annual certificates of obligation sale that will finance \$1,400,000 for the purpose of constructing, reconstructing and improving streets, sidewalks and alleys including related drainage signalization, landscaping, lighting and signage; constructing and equipping improvements, including environmental remediation, to the fire department training facility; constructing and equipping improvements to the police department firing range; constructing and equipping improvements to the City Zoo; constructing and equipping parks and recreation improvements, including improvements to the Rose Park Tennis Center; and constructing and equipping improvements to Maxwell Golf Course.

Councilman Spano made the motion to approve the Ordinance Authorizing Issuance and Sale of Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2011. Councilman Higgins seconded the motion, motion carried.

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

Ordinance **#37-2010** and captioned as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ABILENE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Councilman Price made the motion to approve the Ordinance Authorizing Issuance and Sale of General Obligation Refunding Bonds, Series 2011. Councilman Higgins seconded the motion, motion carried.

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

Ordinance **#38-2010** and captioned as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ABILENE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES; ESTABLISHING PROCEDURES FOR THE SALE

AND DELIVERY OF THE BONDS; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 8:56 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 10:22 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.076 Security Devices, Section 551.073 Business Prospects and Section 551.074 Personnel (Boards).

10. Approving the Appointments/Reappointments to the following Boards: No action taken for the board appointments for the Abilene Housing Authority and the Planning & Zoning Commission.

There being no further business the meeting was adjourned at 10:23 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor