

**CITY COUNCIL MEETING**  
**January 24<sup>th</sup>, 2013, at 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 January 24<sup>th</sup>, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Anthony Williams, Robert O. Briley, Stormy Higgins and Councilwoman Miller. 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 introduced Andrew Pruitt, a 5<sup>th</sup> grader at Bonham Elementary School, who led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PRESENTATION**

Mayor Archibald recognized the Chris Kyker award recipient on behalf of the Mayor's Council on Physical Fitness Board:

Accepting the Mayor's Council on Physical Fitness award for an event or organization are Executive Director Jon Smith and Sports Information Coordinator Laurie Musgrave on behalf of the Abilene Youth Sports Authority.

AYSA promotes access to youth sports and physical activity in the Abilene community. Their mission statement reads: "AYSA is founded on Christian principles and exists to promote the highest ideals of teamwork, sportsmanship, honesty, trust and respect for authority with the specific purpose of influencing kids and adults to become better individuals."

Chris Kyker, for whom the award is named, is a local physical fitness advocate who has played a pivotal role in promoting life-long fitness at the state and local level.

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the January 10<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Higgins seconded the motion, motion carried.

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

**CONSENT AGENDA**

Citizen Steve Savage asked to pull item 6.4. Councilwoman Miller made the motion to approve consent items 6.1 through 6.6 except 6.4 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

**Resolutions:**

- 6.1 Resolution:** Council approved the voluntary dissolution of the Abilene Public Health Corporation.

The City of Abilene, on August 25, 2005, by Resolution No. 20-2005, approved by ratification the establishment of the Abilene Public Health Corporation (APHC), a Texas Non-Profit Corporation, and approved its Articles of Incorporation, original Directors, and By-laws. The purpose of the Abilene Public Health Corporation was to acquire, construct, provide, improve, finance, and refinance health facilities to assist the maintenance of the public health. The purpose of the Abilene Public Health Corporation has been completed. Specifically, the New Markets Tax Credit financing of the Abilene-Taylor County Public Health Facility (“Facility”) has been completed.

The Board of Directors of the Abilene Public Health Corporation (APHC) have authorized and adopted a resolution to voluntarily dissolve the corporation. The By-laws of the Abilene Public Health Corporation (APHC) require approval of dissolution of the Abilene Public Health Corporation (APHC) by the City Council of Abilene, Texas at a regular meeting of the City Council.

**Resolution #01-2013**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE DISSOLUTION OF THE ABILENE PUBLIC HEALTH CORPORATION (APHC).

- 6.2 Resolution:** Council approved the amendments to the board by-laws of Frontier Texas!

The bylaws made the following changes:

- Number of members changed to 14 at-large members and one (1) city representative
- Past president made an ex-officio member of the board
- Manager of Frontier Texas! was changed to Executive Director
- At-large members are now nominated by the board and approved by the Mayor and City Council
- The City representative, ex-officio directors and initial directors serving less than a three year initial term may exceed the six year limit of being on the board
- Any director appointed for less than a three year term may be eligible for re-election for two successive, full, three year terms
- No officer shall serve in any office for a term longer than two consecutive years.
- Executive Committee no longer required to meet at least quarterly

**Resolution #02-2013**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE AMENDMENTS TO THE BYLAWS OF FRONTIER TEXAS!, INC.

- 6.3 Oral Resolution:** Council authorized the execution of a corrective deed from the City of Abilene to Abilene Independent School District to correct the error and reflect the ownership that both parties have acted upon since 1959.

The transaction in question involves the property located at 1101 South 9th in Abilene, which was the location of the Travis school. In August of 2012, AISD agreed to sell the Travis School property to Randy Blanton. According to the records of the Central Appraisal District, that property included Lots 1, 2, 3, 10, 11 and 12 in Block B, and all of Block A, George W. Jalonick’s Second Addition to the City of Abilene, Taylor County, Texas, as shown by the plat recorded in Plat Cabinet 2, Slide 137-A,

Plat Records, Taylor County, Texas. The six lots in Block B are contiguous to and lie immediately south of block A.

In researching the title to the property prior to the closing, Andy McCall, a local title attorney, found that the six lots in Block B were in fact titled in AISD, but that all of block A is titled in the City of Abilene. However, there was no survey obtained as a part of the closing, and at closing the buyer only closed upon the 6 lots in Block B. Accordingly, Block A continues to be titled in the City of Abilene.

After closing, the buyer realized that he was not conveyed the Block A portion of the property (which happens to be the portion of the property where the school building was actually located). AISD has agreed that Block A was intended to be included in the sale, and they did not realize that the title to that portion of the property remained in the City of Abilene.

- 6.4 Oral Resolution:** Authorizing the City Manager to negotiate and execute a sanitary sewer overflow initiative agreement with the Texas Commission on Environmental Quality. *Item pulled by citizen.*
- 6.5 Oral Resolution:** Notice of Election for the May General Election. Aviso De La Elección. The City Council authorized the Mayor to sign the notice of election. The election will be May 11, 2013.
- 6.6 Bid Award:** CO-OP Purchase – One (1) Mini-Bus for Senior Citizen Services. Council approved the purchase of 1 mini-bus in the amount of \$64,768.00 from Alliance Bus Group.

#### ITEM PULLED FROM CONSENT

- 6.4 Oral Resolution:** Authorizing the City Manager to negotiate and execute a sanitary sewer overflow initiative agreement with the Texas Commission on Environmental Quality. For the past several years the City of Abilene (City) has experienced overflows from its wastewater collection system, commonly called sanitary sewer overflows (SSOs). On February 3, 2011 the City requested an opportunity to participate in the TCEQ's outreach initiative to address sanitary sewer overflows (SSOI Program).

Participation in the SSOI Program will generally include developing an operations and maintenance program for the ongoing identification, evaluation and correction of collection system issues; developing a program to better control fats, oils and grease entering the collection system, including community education; updating the 2009 Wastewater Master Plan; and conducting routine sanitary sewer evaluations to identify areas of the collection system in need of rehabilitating and cleaning.

On December 18, 2012 the City was notified that the TCEQ recommended that the City be placed into the SSOI Program. To participate in the program, the City must enter into an agreement with the TCEQ to perform the work described in the SSOI Program. This work is intended to reduce overflows from the City's wastewater collection system and create a positive working relationship between the City and the TCEQ.

Council heard from Steve Savage who discussed a proposed Ordinance in regards to sanitary sewer issues. Tommy O'Brien Director of Water Utilities explained that this is not an ordinance this is in regards to an agreement with the TCEQ for participation in the SSOI program.

Councilman Higgins made the motion to authorize the City Manager to execute a sanitary sewer overflow initiative agreement with the Texas Commission on Environmental Quality. Councilman Price seconded the motion, motion carried.

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

## REGULAR ITEMS

**7.1** Megan Santee, Public Works Director, briefed the council on. Application/permit to drill and/or operate an oil and/or gas well: Prensorus Energy, LLC – Bourland & Carlton #1, Permit No. 751505. Prensorus Energy, LLC of Abilene, Texas has submitted an application to drill the “Bourland & Carlton # 1” well on property owned by Orville and Virginia Pirraglia, located north of Dyess Air Force Base (Dyess AFB), between Military Drive and Business I-20/Highway 80. Because of the proximity to Dyess AFB, the required Federal Aviation Administration (FAA) Aeronautical Study has been completed with a determination of no hazard to air navigation, and a copy of the study is attached to and made part of the application/permit. This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

Mayor Archibald opened the public hearing and council heard from:

- Dwight Williams with Dyess Air Force Base – supports the application.

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

Councilman Briley made the motion to approve the Application/permit to drill and/or operate an oil and/or gas well: Prensorus Energy, LLC – Bourland & Carlton #1, Permit No. 751505. Councilwoman Miller seconded the motion, motion carried.

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

## EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:15 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 10:23 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.087 Business Prospect/Economic Development..

**10.** Oral Resolution approving the appointment/reappointment of members of the following Boards:

### **Abilene Housing Authority**

- Mica Jones

**Abilene/Taylor Co Public Health**

- Peter Norton
- Randy Williams (County Rep)

**Abilene/Taylor Co Venue District**

- Glenn Dromgoole
- Stan Egger (County Rep)

**Abilene Public Library Advisory Board**

- Virginia Sadler

**Airport Development Board**

- Stan Egger (County Rep)
- David Lynn
- Woody Gilliland

**Animal Services Advisory Board**

- Aaron Vannoy
- Tom Rigsby
- Leah Herron

**Board of Adjustment**

- Wayne Bradshaw
- Dani Ramsay
- Rick Waldraff
- Scott Hay

**Board of Building Standards**

- Delbert Allred moved to Regular Realtor
- David Brosig – Regular Engineer
- Steve Ellinger – Regular Architect
- Wayland Schroeder - Alternate Architect
- Jeremy Kahl – moved to Regular Banker

**Child Advocacy Advisory Board**

- Karon Bingaman
- Anthony Williams
- Beverly Gibson (New appointment)

**Development Corporation of Abilene Inc.**

- Dani Ramsay
- Dave Copeland – (New appointment)

**Friends of Safety City**

- Mary Brooks
- Ken Poyner

**Frontier Texas!**

- Jack Rentz
- Audrey Perry
- Jay Evans
- Naci Liles
- Lynn Barnett,
- Paul Lauve (to Ex-Officio as Past President)
- Chuck Statler (From Ex-Officio to voting member)
- Randy Teakell (New appointment)
- Randy Burchell (New appointment)

**Keep Abilene Beautiful**

- Chuck Mitchell (New appointment)
- Eric Mallet (New appointment)
- John Weir (New appointment)
- David Harwell (New appointment)

**Landmarks Commission**

- Dr. Michael McClellan
- Phil Miller

**Mayor's Council on Physical Fitness**

- Deonna Shake
- Lindsay Edwards (New appointment)
- Heather Williams (New appointment)
- Randy Harriman (New appointment)

**Office of Neighborhood Services**

- Kristina Davis
- Susan Robinson

- Kris Kowatch
- Brett Monroe

**Planning and Zoning Commission**

- David Todd
- Clint Rosenbaum

**Senior Citizen Advisory Board**

- Sara Jane Vancil (New appointment)

Councilman Price made the motion to approve the Mayor's recommendation of reappointments and new appointments for the 2012 Fall Board Process. Councilman Williams seconded the motion, motion carried.

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

There being no further business the meeting was adjourned at 10:24 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor