

CITY COUNCIL MEETING
November 5th, 2009, 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 November 5th, 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 Laura Moore. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Williams gave the invocation.

Mayor Archibald introduced Dallis Seeker attends Wylie Jr. High and is an 8th grader. Dallis led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATION

Mayor Archibald presented the following proclamation:

November 14, 2009

World Diabetes Day

Jordan Darrell, Asst. Professor of Social Work - ACU, accepted the proclamation

PRESENTATION

Dean Carter presented to the Mayor a certificate of appreciation for the employee's support of the Christmas 2008 Toys for Tots campaign. The Christmas 2009 campaign will commence just before Thanksgiving.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the Regular Meeting on October 20th 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, the motion carried.

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

NAYS: None

CONSENT AGENDA

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

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

NAYS: None

ABSTAINED: Councilman Price on Item 6.4

Resolution:

- 6.1** Resolution requesting that the Brazos G Regional Water Planning Group and the Texas Water Development Board designate the Cedar Ridge Reservoir site as a site of unique value for the construction of a reservoir in the 2011 Brazos G Regional Water Plan and the 2012 State Water Plan.

The unique reservoir site designation for the Cedar Ridge Reservoir site included in Senate Bill 3 and the 2007 State Water Plan represents good public policy by preserving, to an important extent, the ability of the City to pursue the permitting and construction of the Cedar Ridge Reservoir to meet future water needs.

Resolution #33-2009 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS REQUESTING THAT THE BRAZOS G REGIONAL WATER PLANNING GROUP AND THE TEXAS WATER DEVELOPMENT BOARD DESIGNATE THE CEDAR RIDGE RESERVOIR SITE AS A SITE OF UNIQUE VALUE FOR THE CONSTRUCTION OF A RESERVOIR IN THE 2011 BRAZOS G REGIONAL WATER PLAN AND THE 2012 STATE WATER PLAN.

- 6.2** Resolution amending the contract for Solid Waste Disposal at Abilene Landfill TX, LP.

The landfill agreement between Abilene Landfill, TX LP and the City of Abilene, requires a review every five years with any adjustments agreed upon by January 1st of the fifth year, which is January 1st, 2010.

The rate will increase from \$20 per ton to \$21.23 per ton, including State fees, with the exception of manifested waste.

Manifested waste shall increase from \$5.75 to \$6.11 per cubic yard for loose waste and from \$5.90 to \$6.26 per cubic yard for compacted waste.

The disposal rate shall automatically increase by 1% each year on January 1, for the term of the contract amendment.

Resolution #34-2009 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AMENDING THE LANDFILL AGREEMENT

Oral Resolution:

- 6.3** Authorized the City Manager to execute a lease for Hangar #2 to Ravin Aircraft, LLC. This is a 15-year primary term with one 5-year option. The rent will be \$6,336.00 per year with a CPI-U adjustment every three years.

Bid Award:

- 6.4** Renovation of the existing staff break room and storage room into a Veterinary Clinic at the Zoo. City Council awarded the bid to Don Faulkner Construction in the amount of \$101,800.

REGULAR AGENDA

- 7.1** Jon James, Director of Planning and Development Services briefed the Council on the Ordinance for Case No. **Z-2009-14**, a request from Lawrence Brannon to rezone property from O (Office) to LC (Limited Commercial) zoning, located at 501 N. Willis St.

The properties surrounding this property to the north, west, and south are all commercial activities with some retail, service, and office type uses. The property adjacent to the north of the subject property is zoned LC. The area transitions from higher intensity commercial uses to the west towards single family residential to the east of the subject property.

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

- Jerry Mash – representative for the seller and the buyer. Mr. Mash stated that the buyer is looking to install a kiosk for Twice the Ice, where customers can purchase ice.

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

Councilman Briley made the motion to approve the Ordinance to rezone property from O(Office) to LC (Limited Commercial) zoning, located at 501 N. Willis St. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance **#34-2009** 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

Location: 501 N. Willis Street

- 7.2** Tommy O'Brien, Director of Water Utilities, briefed the Council on the evaluation of the feasibility study of Tenaska's request to purchase reclaimed water.

Mr. O'Brien discussed the reclaimed water sources for the City and the uses. The Hamby Wastewater Treatment Plant discharges through creek diversions then to the Brazos River and directly to the irrigation users on one side, then there is a 210 reclaimed water pipeline that flows back toward town, south to a pump station at Grimes Water Treatment Plant then on to Lake Kirby. When the reclaimed water reaches Lake Kirby the Texas Commission on Environmental Quality (TCEQ) considers the water, raw water. Lake Kirby can't be used for drinking purposes. The City has a permit

(4266) for Lake Kirby this permit allows the City to place reclaimed water back into Kirby at a set rate and then to pump back out of Lake Kirby the same amount that the City places into it. The reclaim line also runs west toward Dyess Air Force Base and ends.

The average available amount of reclaimed water is 11.9 MGD (million gallons per day). The current demand is 6.0 MGD by the current users. The City would have 5.9 MGD in surplus on an average day. The future demand was reviewed and the estimate would be 8.2 MGD for customers and Kirby evaporation, 1.8 MGD for Tenaska, 0.8 MGD Agricultural Irrigation, which would leave 1.1 MGD in excess.

The average day – maximum month shows the current demand to be 8.1 MGD for current demand with an excess of 3.8 MGD. When you factor in the future demand 12.6 MGD for customers & Kirby evaporation, 1.8 MGD Tenaska, 0.8 MGD Agricultural Irrigation, which would leave the city with a shortage of 3.3 MGD that would be supplied from Lake Kirby.

The line for the reclaimed water to Tenaska would run from Grimes Water Treatment Plant pump station through town west. The City would also want to tie the line in with the line that ends around Dyess Air Force Base so that the system would be looped.

In summary: Reclaimed water is available for future customers and for Tenaska's requested 2,000 acre-feet per year. Reclaimed water is supplemented by raw water from Lake Kirby periodically during the year to meet peak customer's demands. Providing a firm supply to Tenaska will require supplementing reclaimed water periodically during the year: from Lake Kirby, Lake Fort Phantom Hill Reservoir or potable water.

Council and Staff discussion included: 1) Tenaska to buy the pipeline; 2) what we have thrown away is now a resource for the City; 3) Future customers; 4) when customers use reclaimed water it protects the water supply for drinking purposes – reclaimed users do not use drinking water to water landscape; 5) possibility of placing restrictions on watering landscapes with reclaimed water just as regular users are restricted when the lake level drops; and 6) revenue estimate based on current rate is around \$400,000, but the city would want to negotiate the price for a firm delivery of the reclaimed amount that Tenaska is requesting.

No action was taken on this item this was information purposes only. Mayor Archibald announced that the City Council will hear on November 19th a report on the purposed Cedar Ridge Reservoir and the City Council will also hold a public hearing on the Tenaska issue on December 3rd Council meeting, following the regular agenda items.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 10:08a.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 10:51a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with the City Attorney and Section 551.074 Personnel Matters.

10. Oral Resolution - action related to annual performance evaluations of the City Manager, City Attorney, City Secretary and the Municipal Judge.

Mayor Archibald made the motion and stated that all four appointees had a favorable evaluation for their service and professionalism, and recommended a 2% performance raise for all four. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 10:52 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor