

**CITY COUNCIL MEETING
July 25th, 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 July 25th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, Kyle McAlister and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilwoman Kellie Miller gave the invocation.

Mayor Archibald introduced Kaylene Jones she is a 6th grader at Mann Middle School, and she led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas. Kaylene is the niece of Donna Littlefield, Records Program Manager for the Abilene Police Department.

PROCLAMATION

Mayor Archibald presented the following proclamation:

Park and Recreation Month, the proclamation was accepted by James Childers, Director of Community Services, was joined by several Parks employees. Mr. Childers announced the Party in the Park to Celebrate Parks and Recreation Month on Thursday July 25th from 6:00-8:00 p.m. It is free for all who attend.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the July 11th regular meeting there being no deletions, no additions, and no corrections. Councilwoman Miller made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Briley made the motion to approve consent item 6.1 through 6.6 as recommended by staff. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinances:

- 6.1** **Ordinance:** *(First Reading)* **Z-2013-18** A request from Aaron Waldrop, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single Family Residential) zoning, located 601 Swift Water Dr.; and setting a public hearing for August 8th, 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," 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.

- 6.2** **Ordinance:** *(First Reading)* **Z-2013-19** A request from Josh Ensor, agent Caleb Ensor, to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, being approximately 15.13 acres located on the south side of Waldrop Dr. east of 1849 Waldrop Dr.; and setting a public hearing for August 8th 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," 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.

- 6.3** **Ordinance:** *(First Reading)* **Z-2013-20** – A request from CAF Realty, LLC, agent Cecil Fain, to rezone property from HI (Heavy Industrial) to GC (General Commercial), on all except the west 140 feet of the parcel located at 2318 Butternut St.; and setting a public hearing for August 8th 2013.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," 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.

Oral Resolutions:

- 6.4** **Oral Resolution:** The City Council acknowledged and accepted the 9-1-1 Emergency Communications District Revised FY 2013 and Proposed FY 2014 budgets.

The City of Abilene manages the Abilene/Taylor County 9-1-1 District ("the District"), via contractual agreement with the District's Board of Governors. The V.T.C.A. Health & Safety Code, Section 772, provides that an annual budget be prepared for the District and reviewed and accepted by the Taylor County Commissioners Court, Abilene City Council, and governing bodies of other participating jurisdictions prior to adoption by the District Board. Attached is the District Budget (revised 2013 and Proposed 2014) as proposed to the District Board. Highlights in the District's budget include:

- Anticipated compensation adjustments for both City and County positions for which the District provides funding, in accordance with those entities' budgets (proposed)
- Major equipment upgrade purchases for both the City of Abilene and Taylor County communications centers. This upgrades the 9-1-1 call taking and recording equipment to current technology, as well as provides for redundant (backup) communications connectivity between the LEC communications centers, the communications provider and the alternate site at City Hall.

Bid Awards:

- 6.5** **Award of Bid:** **CB-1340** City Council approved the annual purchase of street maintenance materials from the following vendors.

Item:	Company	Unit Price
Limestone Rock Asphalt, Type CC	Vulcan Const. Materials	\$ 78.20/Per Ton
Hot Mix, Type D-Delivered	J.H. Strain & Sons	\$ 68.08/ Per Ton
Hot Mix-Type D	Vulcan Const. Materials	\$ 63.00/ Per Ton
A-1 Flex Base-Delivered	Vulcan Const. Materials	\$ 10.14/ Per Ton
A-1 Flex Base	Vulcan Const. Materials	\$ 6.00 / Per Ton
Portland Cement, Class A, 5-Sack	Ingram Concrete	\$ 105.00/Per Cubic Yd.
Portland Cement, Type I	Abilene Lumber	\$ 9.75/Per Sack
Polymer Modified Crack Sealant	Crafco Texas	\$ 0.465/Per Pound
HPPM	Unique Paving Materials	\$ 108.50/ Per Ton
CBS-1	Envirotex	\$ 3.95/Per Gal

6.6 **Award of Bid: CB-1341** City Council approved the purchase of a tracked loader and was awarded to Warren Cat in the amount of \$239,199.00.

REGULAR ITEMS

7.1 Council heard from Anna Claire Boone, Mattie Smith and Kaylee Beard 5th grade students from Wylie Intermediate School who presented their results from a project from their class. Their class project was “Curbside Recycling in Abilene”. The girls presented the petition where they had collected 1200+ signatures of interested citizens for curbside recycling.

They explained that there are several ways that it could be collected: 1) single-stream where the resident doesn’t sort their garbage at home. The garbage would be sorted at a separate location for sorting; and 2) or one day a week when recyclables can be collected instead of regular garbage.

Megan Santee Director of Public Works briefed the council on the current recycling that the city does. There are 8 locations throughout the city for recycling paper, cardboard, glass and cans.

Council and Staff discussion included: 1) curbside would we collect only residential or would we also handle commercial accounts; 2) also the startup cost of purchasing equipment; 3) what are our peer cities doing?; 4) \$271,000 is the revenue received from current recycling program; 5) 2.3 million in landfill fees; 6) research shows approximate 23 to 26% reduction in tonnage through recycling; and 7) Waste to Energy program – where the city would take garbage to a site that would sort and the garbage is used for generating energy.

No action on this item.

7.2 Megan Santee Director of Public Works briefed the council on the application/permit to drill and/or Operate an Oil and/or Gas well (3) Bullet Development LLC, “WTRC#4”, “WTRC#5”, “WTRC#6”, Permit #'s 759330, 759333, 759335.

Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Bullet Development, LLC of Abilene, Texas has submitted applications to drill the “WTRC #4”, “WTRC #5” and “WTRC #6” wells on property owned by Jack Denson, located on East Industrial Blvd. southeast of Diamondback Golf Club and south of Abilene Regional Airport. Because of the proximity to Abilene Regional Airport, a Federal Aviation Administration (FAA) Aeronautical Study was required for each well. The aeronautical studies are attached to, and made part of each application/permit. The studies concluded that the drilling rig for each well does not exceed obstruction standards and would not be a hazard to air navigation, provided that the

marking/lighting and notification requirements detailed in the studies are met. Additionally, although the eastern portion of the WTRC oil & gas lease boundary is on City of Abilene/Abilene Regional Airport property and within the airport perimeter fence, when the City purchased this tract for the airport in 1967 it received exclusive rights to use of the surface, including the rights to control ingress & egress for exploration of oil & gas. Therefore, this area cannot be accessed for drilling.

These applications have been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill sites have been notified of these applications and of the City Council meeting to consider their approval, as required by City ordinance.

Mayor Archibald opened the public hearing and Larry Wellhausen was present for any questions regarding the application. Mayor Archibald closed the public hearing.

Councilman Price made the motion to approve the application/permit to drill and/or operate an oil and/or gas well (3) Bullet Development LLC, "WTRC#4", "WTRC#5", "WTRC#6", Permit #'s 759330, 759333, 759335. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

7.3 Megan Santee Director of Public Works briefed the council on the application/permit to drill and/or operate an Oil and/or Gas well – Sojourner Drilling Corporation, "Impact Unit 3, Well No. 4", Permit No. 761918.

Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or deny the permit.

Sojourner Drilling Corporation of Abilene, Texas has submitted an application to drill the "Impact Unit 3, Well No. 4" on property owned by Rogelio Gonzales located at 3896 Clinton Street, at the southwest corner of the intersection of Clinton Street and Roosevelt Street. This well is being drilled under the applicant's 43.59 acre "Impact Unit 3" lease, comprised of multiple property and mineral interest owners as detailed within the supporting documentation for the permit application. The applicant is requesting a variance per sections 21-26 and 21-27 of Chapter 21 of the City of Abilene Code of Ordinances, Oil and Gas, to drill within 200 feet of existing buildings and residences, and the applicant has provided the notarized written consent of the owner of each residence within a 200 ft. radius of the well location, as required by ordinance. Additionally, the applicant was requested to provide, and has provided a mineral interest title opinion verifying that the City of Abilene owns no mineral or royalty interest in/under the streets and alleys within the 43.59 acre unit area. 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 the following citizens;

- Sheryl Minear, Regulatory Manager for Sojourner Drilling, spoke on the application and the location of the well site and addressed the concerns of the citizens speaking during the public hearing.
- Albert Leija, resident in the area and having mineral interest in the area, spoke against the permit to drill.
- Travis McClure, Land Agent for the City, spoke about the requirements of the City's ordinance and the regulations from the Railroad Commission.
- Felipe Leija, resident in the area and having mineral interest in the area, spoke also against the permit to drill.

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

Councilman Anthony Williams made the motion to approve the application/permit to drill and/or operate an Oil and/or Gas well – Sojourner Drilling Corporation, “Impact Unit 3, Well No. 4”, Permit No. 761918. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

7.4 Jon James, Director of Planning and Development Services briefed the council on FY 2013/2014 One-Year Action Plan for CDBG and HOME Programs.

As an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), the City of Abilene is required to submit a Consolidated Plan that strategically addresses the City’s goals and objectives for housing and community development over the course of a five year period. The City of Abilene is also required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. The Office of Neighborhood Services Advisory Council was instrumental in the development of the goals and objectives of the Consolidated Plan, which were adopted by Council on May 22, 2010. The One-Year Action Plan must be submitted to HUD by August 15, 2013.

A public hearing was held on March 6, 2013, at City Hall to discuss/determine services, needs and gaps in the following areas of concentration which included housing, homelessness/special needs, economic development, and community development/neighborhood development. At this session, representatives of nonprofit agencies and members of the general public made various comments on community development needs for consideration for CDBG/HOME funds or alternative funds. A summary of the One-Year Action Plan outlining the proposed FY 2012/2013 budget was published in the Abilene Reporter-News on June 10, 2013, which began the HUD required 30-day comment period. No written comments were received. A second public hearing on July 25, 2013, is required with approval of the attached resolution.

FY 2013 CDBG funds were increased .06% over 2012 funding and HOME funds were reduced 5%. Funding levels continue to be below the 2011 funding levels of 26%, which precludes funding for city public services and outside agencies. There will be no impact on local taxes. Projects will be funded using FY 2013 CDBG entitlement of \$876,072, with a Reserve of \$24,364 for Section 108 debt repayment and HOME entitlement of \$371,629, with \$101,578 reprogrammed funds. In addition, the City anticipates that it will receive \$20,000 from HOME program income during FY 2013/2014.

Components of the Consolidated Plan

- Consultation Process
- Citizen Participation
- Housing & Homeless Needs Assessment
- Housing Market Analysis
- Action Plan

CDBG Non-Public Service General Administration and Planning

Subject to HUD 20% Admin Cap

- | | |
|--------------------------|----------|
| • Planning and Dev Admin | \$87,890 |
| • Indirect | \$70,000 |

Not Subject to Cap

- | | |
|-------------------------------|-----------|
| • Program Delivery Admin | \$84,925 |
| • CI ANI/Target Neighborhoods | \$101,047 |

- Section 108 Debt \$556,574
- Total Expenditures \$900,436

Section 108 Debt Retirement

	October 2013	Paid in
• <u>Project</u>	<u>Balance</u>	<u>Full</u>
• Windsor	\$0	Aug 2013
• Wooten	\$417,180	Aug 2014
• T&P Whs	\$345,817	Aug 2016

HOME Revenue Sources

HOME Entitlement	\$371,629
Reprogrammed Funds	\$ 83,414
Reprogrammed Admn Funds	\$ 18,164
Program Income	<u>\$ 20,000</u>
Total Revenue	\$493,207

HOME Expenditures

• Single-Family Rehabilitation	\$343,136
• First Time Homebuyer	\$ 35,000
• Community Housing Development Organization (CHDO-15%)	\$55,744
• Planning & Project Administration	<u>\$59,327</u>
Total Expenditures	\$493,207

Council and Staff discussion included: 1) CDBG funds for projects would come to council if above the \$50,000 amount as required by law; 2) reviewing our process and how we proceed as projects are being paid off; and 3) HOME – rehab of homes.

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 Resolution approving the FY 2013/14 action plan for the Consolidated Plan and projected use of Community Development Block Grant (CDBG) and Home Investment partnerships program (HOME) funds. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Resolution: [#19-2013](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2013/14 ACTION PLAN FOR THE CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:37 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 Executive Session at 11:08 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Consultation with Attorney.

There being no further business the meeting was adjourned at 11:08 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor