

CITY COUNCIL MEETING
January 9th 2014, 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 9th 2014, 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. Councilwoman Kellie Miller 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 Briley gave the invocation.

Mayor Archibald introduced Terrence Naldoza who is a 5th grader at Bonham Elementary. Terrence led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

EMPLOYEE SERVICE AWARD

Mayor Archibald and City Manager Larry Gilley recognized the following City employee for her years of service.

Lee Fuqua

Public Safety Dispatcher II

30 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the December 19th regular meeting there being no deletions, no additions, and no corrections. Councilman Price made a motion to approve the minutes as presented. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Council pulled items 6.3 & 6.6. Councilman McAlister made the motion to approve consent item 6.1 through 6.6 with the exception of 6.3 & 6.6 as recommended by staff. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Oral Resolution:

6.1 Oral Resolution: Council approved the Fund Balance Policy for the City.

In September 2011, Council approved the Fund Balance Policy relating to the Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The objective of GASB 54 was to enhance the usefulness of fund balance information by 1) clarifying existing governmental fund type definitions and 2) providing clearer fund balance classifications that can be more consistently applied.

GASB 54 uses five basic categories: Non-spendable – cannot ever be spent (inventories, prepaids), cannot currently be spent (long-term portion of receivables); Restricted – externally enforceable legal restrictions (grants, debt covenants, contributors, etc); Committed – use is limited by the City and imposed by the City Council (highest level of decision making. May only be changed or lifted by City Council. Commitment must be made prior to year end; Assigned – intended use of resources set by the City Council or an official designated by the City Council; Unassigned – remaining fund balance after all other categories.

The Fund Balance Policy includes a section on Minimum Unassigned Fund Balance. The Bond rating agencies have indicated that there needs to be a formal Minimum Fund Balance Policy restriction. Therefore, the only change to the policy is to formalize the 3 month or 25% of annual expenditures reserve.

- 6.2** **Oral Resolution:** City Council authorized the City Manager to execute Task Order 3 under the Garver Engineering Master Contract for the Abilene Regional Airport in the amount not to exceed \$166,100.00.

This Task Order provides authorization for Garver to perform preliminary design testing and evaluation of Runway 17R/35L to determine the actual strength of the runway and identify specific areas for possible reconstruction in FY15.

This fee will be covered first by the City using a portion of the budgeted AIP grant match funds and then we will request reimbursement as part of our FY14 AIP grant request at the 90/10% rate. With FAA reimbursement later in 2014, the total cost to the City would be \$16,610.

- 6.3** **Resolution:** Authorizing the City Manager to execute Amendment No. 7 to the Professional Services Agreement with Enprotec/Hibbs & Todd for work associated with continued Permitting Activities for Cedar Ridge Reservoir. *Item pulled from consent.*

- 6.4** **Ordinance:** (*First Reading*) **Z-2014-01** – A request from Sitzes Treadaway, LLC, agent Enprotec/Hibbs & Todd, Inc., and the City of Abilene to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 2433, 2449, & 2479 S. Treadaway Blvd; and setting a public hearing for January 23, 2014.

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.

- 6.5** **Ordinance:** (*First Reading*) **Z-2014-02** – A request from Dub Wright Blvd, LLC, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 3533 Dub Wright Blvd; and setting a public hearing for January 23, 2014.

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

- 6.6** **Ordinance:** (*First Reading*) **Z-2014-03** – A request from the City of Abilene to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, being approximately 1 acre located on a portion of 2726 N. 18th St; and setting a public hearing for January 23, 2014. *Item pulled from consent.*

- 6.7** **Ordinance:** (*First Reading*) **CUP-2014-01** – A request from Amber Massey for a Conditional Use Permit to allow for Day Care Operation – Home-Based on property zoned RS-6 (Single-Family Residential), located at 3274 White Wing Way; and setting a public hearing for January 23, 2014.

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.

ITEMS PULLED FROM CONSENT

- 6.3** **Resolution:** Authorizing the City Manager to execute Amendment No. 7 to the Professional Services Agreement with Enprotec/Hibbs & Todd for work associated with continued Permitting Activities for Cedar Ridge Reservoir.

Tommy O'Brien Director of Water Utilities briefed the council on the permitting activities for Cedar Ridge and the environmental reviews that will be taking place in association with the permitting process.

Resolution: **#1-2014**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 7 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

- 6.6** **Ordinance:** (*First Reading*) **Z-2014-03** – A request from the City of Abilene to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, being approximately 1 acre located on a portion of 2726 N. 18th St; and setting a public hearing for January 23, 2014.

Councilman Briley has spoken with a neighbor in the area of the zoning request and the neighbor had concerns regarding the hours of operation for the clinic. This is a city request.

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.

Councilman Williams made the motion to approve items 6.3 & 6.6 as presented. Councilman Briley seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister and Mayor Archibald
NAYS: None

REGULAR ITEMS

- 7.1** Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-39**, a request from Amos B. Lewallen, agent Brian Rumsey, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, located at 4001 Sharon Rd.

Currently the property is zoned AO and is undeveloped. The surrounding properties are also zoned AO and are being used with a few residential homes. The subject property is south of Southwest Drive that has been

developed with commercial uses, i.e. Kohl's, a bank, and Ashley's Furniture. Currently, Sharon Rd is underdeveloped and does not continue to the south except to provide access to a couple of homes but is planned to be a 'minor arterial' street in the future. The requested zoning would allow for multi-family residential (apartment) development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. The requested zoning would be a transitional zoning from the retail development along Southwest Drive to the potential single-family zoning to the south and the surrounding areas. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd and Famble) and 1 opposed (Yungblut).

Mayor Archibald opened the public hearing and the council heard from Clifton Phillips Agent for the owner spoke in favor of the request. There being no one else desiring to be heard the public hearing was closed.

Councilman Spano made the motion to approve the ordinance for **Case No. Z-2013-39**, a request from Amos B. Lewallen, agent Brian Rumsey, to rezone property from AO Agricultural Open Space) to MF (Multi-Family Residential) zoning, located at 4001 Sharon Rd. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister and Mayor Archibald
NAYS: None

Ordinance #1-2014

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.

Location: 4001 Sharon Road

7.2 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-40**, a request from Mill Creek Apartments, LP, agent Cojer Surveying, Inc., to rezone property from GC (General Commercial) to MF (Multi-Family Residential) zoning, being approx. the front 200 feet of 5249 Hwy 277 S.

Currently the property is zoned GC and is developed with apartments. The properties to the north and west are zoned GC and are developed with commercial uses. The properties to the south and east are zoned MF and are developed with apartments. The subject property is requesting a change in zoning to bring it into conformance with the Land Development Code. Apartments are no longer allowed in the GC zoning. The requested zoning would match the zoning for the majority of the multi-family residential (apartment) development and remove any legal, non-conforming elements on the property.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is adjacent to retail & commercial development located to the north along Highway 277 S. The requested zoning would match the existing zoning on the majority of the property and eliminate any legal, nonconforming elements on the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

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 for **Case No. Z-2013-40**, a request from Mill Creek Apartments, LP, agent Cojer Surveying, Inc., to rezone property from GC (General Commercial) to MF (Multi-Family Residential) zoning, being approx. the front 200 feet of 5249 Hwy 277 S. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance #2-2014

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.

Location: Being approximately the front 200 feet of 5249 Hwy 277 S.

7.3 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-41**, a request from Bradley Fulcher, agent Bridget McDowell, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 239 Locust St.

Currently the property is zoned LI and is developed with an old mill. The surrounding properties are zoned LI and are developed with industrial and commercial uses. The subject property is requesting a change in zoning to allow for a winery and commercial event center. The property is within the eastern edge of the Central Business District. The requested zoning would allow for re-use of a vacant property for a use that conforms to the zoning just one block to the west.

The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The property is also part of the South Downtown Area (SoDA). The SoDA Plan recommends that the eastern portion of the Central Business District be a mix of retail & commercial development and warehousing & storage uses. The subject property is planned for a winery and commercial event center. The requested zoning would match the nearby zoning to the west and is compatible with the adjacent uses, the Comprehensive Plan, and the SoDA Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

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

Councilman Price made the motion to approve the ordinance for **Case No. Z-2013-41**, a request from Bradley Fulcher, agent Bridget McDowell, to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 239 Locust St. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance **#3-2014**

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.

Location: 239 Locust St

7.4 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-42**, a request from Shelia Rutledge to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 6102 W. Lake Rd to include the 2 acres north.

Currently the property is zoned AO and is developed with an old residential home. The surrounding properties are zoned AO and are developed with homes on large acreage properties, some of which are manufactured homes. The subject property is requesting a change in zoning to allow for a new manufactured home. There are several properties close by that have manufactured homes on them. The requested zoning would allow for a manufactured home use on a property similar to other properties nearby.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is also part of the Lake Fort Phantom Hill (LFPH) Master Plan. The LFPH Plan recommends that the use of manufactured homes be restricted. The requested zoning would allow a manufactured home similar to other properties located nearby. Although the LFPH Plan recommends restricting manufactured homes, the requested zoning is compatible with the manufactured home uses on adjacent properties and the Comprehensive Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

Council and Staff discussion included: 1) rezoning only a small section of the property to MH; and 2) the Lake Fort Phantom Hill Master Plan Draft.

Mayor Archibald opened the public hearing and council heard from the land owner Shelia Rutledge, who was ok with the zone change to only encompass the section marked 6102. There being no one else present and desiring to be heard the public hearing was closed

Councilman Williams made the motion to approve the Ordinance for **Case No. Z-2013-42**, a request from Shelia Rutledge to rezone property from AO (Agricultural Open Space) to MH (Manufactured/Mobile Home) zoning, located at 6102 W. Lake Rd only. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance **#4-2014**

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.

Location: 6102 W. Lake Rd to include the 2 acres north

7.5 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-43**, a request from Morgan D. & Cynthia H. Green and the City of Abilene to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 881 & 893 E. Hwy 80.

Currently the properties are zoned LI and is developed with a cleaners and a fast-food restaurant. The properties to the south and east are zoned LI and are developed with the City of Abilene auto shop and a liquor store. The properties to the west and north are zoned HC and are developed with restaurants, a commercial event center, and hotels. The subject property is requesting a change in zoning to allow for a new physical fitness facility at 881 E. Hwy 80. The property at 893 E. Hwy 80 is a fast-food restaurant. This use is no longer allowed in the LI zoning district. It was included in the zoning request in order to eliminate the legal, non-conforming status and comply with zoning. The requested zoning would allow for the proposed and existing uses in compliance with zoning.

The Future Land Use section of the Comprehensive Plan designates the area as commercial. The requested zoning would allow a physical fitness facility similar to uses that currently exist on adjacent properties. The requested zoning would also allow correct the zoning to allow for the fast-food restaurant. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none opposed.

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

Councilman McAlister made the motion to approve the ordinance for **Case No. Z-2013-43**, a request from Morgan D. & Cynthia H. Green and the City of Abilene to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 881 & 893 E. Hwy 80. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Ordinance #5-2014

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.

Location: 881 & 893 E. Hwy 80

7.6 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. Z-2013-44**, a request from Darby Enterprises, agent Jason Darby, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 1600, 1601, 1632, 1633, & 1650 Vision Dr.

Currently the properties are zoned HI and are developed with industrial uses. The surrounding properties are also zoned HI and are developed similarly. The subject property is requesting a change in zoning to allow for an ambulance service, which is not allowed in the HI zoning. The existing uses on all of these properties comply with the LI zoning and therefore have been included. The requested zoning would allow for the proposed and existing uses in compliance with zoning.

The Future Land Use section of the Comprehensive Plan designates the area as industrial. The requested zoning would allow for an ambulance service as well as accommodate for the exiting uses and future uses similar to those that currently exist on adjacent properties. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, & 2 abstained (Todd & Yungblut).

Mayor Archibald opened the public hearing and property owner Jason Darby was present for any questions on the zone change. 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 for **Case No. Z-2013-44**, a request from Darby Enterprises, agent Jason Darby, to rezone property from HI (Heavy Industrial) to LI (Light Industrial) zoning, located at 1600, 1601, 1632, 1633, & 1650 Vision Dr. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, McAlister and Mayor Archibald
NAYS: None

Ordinance **#6-2014**

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.

Location: 1600, 1601, 1632, 1633, & 1650 Vision Dr.

7.7 Jon James Director of Planning & Development Services, briefed the council on an ordinance for **Case No. TC-2013-07**, a request from Abilene Independent School District, agent Enprotec/Hibbs & Todd, to abandon N 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N 18th St & N 20th St.

The applicant is requesting to abandon the street rights-of-way (ROWs) and alley ROWs to be able to clean up the property records for the area in order to facilitate a land swap with the City of Abilene. The street & alleys have not been constructed and therefore will not affect traffic in the area. All properties within this block will be combined and platted in order to initiate the land swap. The surrounding properties are all zoned for single-family residential and are all developed with homes.

The closure of the streets and alleys does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area. None of the existing conditions are being affected by this action.

The Plat Review Committee recommends approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff recommends approval of the requested ROW abandonment per the Plat Review Committee.

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

Mayor Archibald opened the public hearing and property agent B. J. Prichard was present for any questions on the zone change. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve the ordinance for **Case No. TC-2013-07**, a request from Abilene Independent School District, agent Enprotec/Hibbs & Todd, to abandon N 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N 18th St & N 20th St. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance **#7-2014**

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.

The City of Abilene hereby abandons: N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St.

7.8 Megan Santee, Director of Public Works briefed the council on the application/permit to drill and/or operate an oil and/or gas well – Tetragon Investments, LLC: “Hines No. 1”, Permit No. 772827.

Tetragon Investments, LLC of Abilene, Texas has submitted an application to drill the “Hines No. 1” well on property owned by Terry and Connie Bawcom, located northwest of the intersection of Interstate 20 and Highway 83/277. 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 Sheryl Minear with Tetragon Investments she was present for any questions on the permit. There being no one else present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve the application/permit to drill and/or operate an oil and/or gas well – Tetragon Investments, LLC: “Hines No. 1”, Permit No. 772827. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

7.9 Tommy O’Brien introduced Rodney Taylor who then briefed the council on the request received from a developer to utilize on-site sewage disposal facilities vs. connecting to the City system.

Staff from Planning and Development Services and Water Utilities Departments reviewed this request and determined that while on-site sewage disposal facilities will function properly, connecting to the City system would not require unreasonable expenditures. Therefore, the request was denied. However, City staff also offered to have a professional evaluation of the greater area to determine the feasibility of City financial participation in area system improvements that would reduce the cost burden to this property owner, while

protecting the City's long term interests in the area. Granting a waiver such as this not only affects this immediate case, but also will make it more difficult to serve the greater area as it develops, either increasing the costs to the City of serving future development in the area or making it more likely for adjacent developments to also seek this same waiver.

Proposed Waldrop Estates Development

- South side of Waldrop Road
- About 1,000 feet west of Highway 83/84.
- Entirely within the Abilene City Limit.
- Adjoins northern boundary of the Skyline Estates subdivision, which has public gravity sanitary sewer.
- Development site slopes slightly downhill to the north.
- A combination of topography and shallow adjacent sewerage make an extension of public gravity sanitary sewerage from the Skyline Estates impractical.
- 14 lots, each being 1 acre or larger.

Extension of gravity sanitary sewerage

- **Route A** has a length of approximately 1,350 feet to the east.
- Requires 350 linear feet of encased bore under Highway 83/84.
- The possible acquisition of offsite easements on private property.
- The Engineer's estimated of construction cost is in excess of \$147,500.
- The extension along Route A would add approximately \$10,535 per each lot.

- **Route B** has a length of approximately 3,500 feet to the northeast.
- Would require purchase of about 2.4 acres of offsite easement property from private land owners along the route.
- The Engineer's estimated construction cost is in excess of \$179,500.
- This extension along Route B would add approximately \$12,821 per lot.

Connecting to Abilene's Public Gravity Sanitary Sewerage

- The Engineer has determined that Abilene's existing collection system has adequate capacity to accept domestic wastewater from the proposed Development

- The Cedar Creek Outfall Sewer Main Study prepared by Jacob & Martin Engineering, Ltd. in 2012 identified 273 acres of undeveloped land located north of Waldrop Road and east of the former Abilene Southern Railroad ROW and likely to be served by Cedar Creek Sewer

- Proposed Route B would likely best provide for the future development of the undeveloped land to the north.

Allowing On-site Sewer Facilities

- There are roughly 800 residential OSSF (On-site Sewer Facilities) existing within Abilene City limit, with many of those being located in the area of Fort Phantom Hill Reservoir.

- Positives of allowing OSSF for Waldrop Estates:

- No maintenance costs or operational issues for City

- Reduced construction costs to the developer
- Negatives of allowing OSSF for Waldrop Estates:
- Lost opportunity to extend sanitary sewerage to serve the greater area of the Development.
- Water Conservation - lost reclaimed effluent opportunity
- OSSF forces larger lot sizes resulting in less dense residential development.
- Sets a precedent for how future developments within the Abilene City Limit might be served.

Summary

- It is the intent of the Land Development Code that gravity sanitary sewerage facilities be extended to serve new residential developments constructed within the Abilene City Limits.
- It is the opinion of City Staff that the developer's cost to extend public sanitary sewer to the proposed Waldrop Estates development is not an unreasonable expenditure.
- As provided in the LDC and City Code, if the Developer has an interest in the City participating in the construction of the sanitary sewer extension, then the City would have a Professional Engineer conduct an evaluation to study the greater area around the development and determine a plan for the most feasible means to serve the greater area with public sanitary sewer.

Council and staff discussion included: 1) Developers and due diligence on their part; 2) Reclaimed water issues; 3) Planning and Zoning Commission discussed this at their meeting on January 6th; 4) there are several items in the Land Development Code that cannot be appealed; 5) can be a safety value for citizens to appeal to their elected officials; 6) LDC language on this particular section can be interpreted two different ways; 7) have professionals on staff to look at and make decisions on these type of requests; 8) site location with respect to city services i.e. water and wastewater and in-fill development; and 9) caution – there is potential for a lot of different appeals.

Council took no action on this item – Planning and Zoning Commission will look at this section of the Land Development Code at a future date.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:47 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 11:28 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.071 Litigation with City Attorney and Section 551.072 Real Property.

No action from executive session.

10. Oral Resolution: Discussion and possible action related to annual performance evaluations of City Manager, City Attorney, City Secretary and Municipal Judge. No action taken.

There being no further business the meeting was adjourned at 11:28 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor