

CITY COUNCIL MEETING
May 24, 2011 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 May 24th, 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, Anthony Williams, Stormy Higgins, 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.

Councilman Price gave the invocation.

Mayor Archibald introduced the Mayor and Council of Thomasville. Mayor Greyson Piersall attends Thomas Elementary and is a 5th grader. Greyson led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

SPECIAL CONSIDERATION
2011 CITY ELECTION RETURNS

City Secretary Danette Dunlap presented the Resolution Canvassing the May 14th General Election Norm Archibald received 74.71% of the vote for Mayor. Councilman Anthony Williams ran unopposed and received 100% of the vote for Council Place 3 and Councilman Robert O. Briley also ran unopposed and received 100% of the vote for Council Place 4.

Councilman Williams made the motion to approve the Resolution canvassing the May 14th General Election. Councilman Briley seconded the motion, motion carried.

AYES: Councilman Price, Spano, Williams, Briley, Higgins, Councilwoman Miller and Mayor Archibald

NAYS: None

Resolution numbered #11-2011 and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION, HELD ON MAY 14, 2011.

(UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE TEXAS, REVISANDO LA RESPUESTA Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL EL 14 DE MAYO DEL 2011.)

Mayor announced that this is the time of year that the council receives their annual pay per the City Charter. The City Charter states that the Mayor and each Councilman shall receive a salary of one dollar per year for each year he serves as Mayor and Councilman

Mayor Archibald then called Councilmen Robert O. Briley and Anthony Williams forward to have the Oath of Office administered.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the May 12th Regular Meeting there being no deletions, no additions, and no corrections, Councilman Spano made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Citizen Patricia Hippely asked to pull item 6.3 and 6.4. Councilman Briley made the motion to approve consent items 6.1, 6.2, 6.5 and 6.6 as recommended by staff. Councilman Higgins seconded the motion, motion carried.

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

NAYS: None

Ordinances:

- 6.1** **Ordinance:** (First reading) for Case No. **Z-2011-09**, a request from Cindy Corley to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning, located at 902 Sayles Blvd.; and setting a public hearing for June 9, 2011.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "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) for **Case No. Z-2011-10**, a request from Diana Howard to rezone property from RS-12/COR (Single Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay) zoning, located at 5400 Buffalo Gap Rd.; and setting a public hearing for June 9, 2011.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "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) for Case **No. Z-2011-11**, a request from Hendrick Medical Center to rezone property from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west; and setting a public hearing for June 9, 2011. *Item pulled by a citizen.*

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "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.

- 6.4** **Ordinance:** (First reading) for Case No. TC-2011-01, a request from Hendrick Medical Center to abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St; and setting a public hearing for June 9, 2011. *Item pulled by a citizen.*

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.

Oral Resolution:

- 6.5** **Oral Resolution:** Street Use License Agreement with Melissa Richardson, as Co-Chair of West Texas Walk Now for Autism Speaks to be held on the front lawn of City Hall from 6:30 p.m. until 10:00p.m. on Friday, June 10, 2011. Council approved the Agreement.

Award of Bid:

- 6.6** **Award of Bid:** Council awarded the contract to Don Faulkner Construction in the amount of \$651,500.00 for the construction of the Police Academy Building.

ITEM PULLED FROM CONSENT

Citizen Patricia Hippely asked to pull Items 6.3 – Zone Request change from Hendrick Medical Center and Item 6.4 a Request to abandon portions of alley way and Street. Ms. Hippely asked about whom the portion of the street goes to.

Jon James Director of Planning and Development Services explained that Item 6.3 was a rezone request from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning for Hendrick Medical Center. Item 6.4 is a Thoroughfare closure where the portions of the alley ROW and portions of N 17th and Wilson Street will revert back to the property owner.

Councilman Higgins made the motion to approve on First Reading item 6.3 and 6.4 as presented. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, Williams, Higgins, Councilwoman Miller

NAYS: None

ABSTAINED: Councilman Price and Mayor Archibald

REGULAR AGENDA

- 7.1** Phil Hay Fire Marshall briefed the council on the adoption of the 2009 International Fire Code, with Local Amendments.

2009 International Fire Code

- Establishes minimum regulations for fire prevention and fire protection
- Fully compatible with all the International Codes published by the International Code Council (ICC)
- Founded on principles intended to establish provisions that adequately protects public health, safety, and welfare

Significant Changes

Chapter 1

Section 109

Violations: Class C Misdemeanor, punishable by a fine of not more than five hundred dollars(\$500).

Chapter 5

Section 503.2.3

Fire Apparatus Access Road Surface – An engineered road constructed of asphalt, concrete, processed road base material or other approved driving surface capable of supporting the imposed loads of a fire apparatus. The road shall be properly graded to drain so as to prevent the road from failing to support the fire apparatus imposed load during a rainfall event.

Chapter 9

Section 903

Automatic Sprinkler Systems

903.2.8 Group R. An automatic sprinkler system shall be installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: 1 and 2 Family Dwellings

Section 907

Fire Alarm and Detection Systems

907.7.5 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies
3. Automatic sprinkler systems in one- and two- family dwellings.

Chapter 10

Means of Egress

Four Amendments

All amendments mirror the 2009 Building Code Amendments

Mayor Archibald opened the public hearing and the council heard from the following citizen:

- Patricia Hippely – spoke against the Code adoption

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

Councilman Price noted a change in the Amendment Section on 1008.1.7(Threshold Exception) needs to change the mm from (197 to 200) and also change the mm from (45270 to 45720) on 1410.1 required access.

Councilman Price made the motion to approve the Ordinance adopting the 2009 International Fire Code with Local Amendments with noted changes. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance #[17-2011](#) and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "FIRE PREVENTION CODE", DIVISION 1, SEC. 10-46 OF THE ABILENE MUNICIPAL CODE BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 9:17 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 9:53 a.m. and reported no votes or action was taken in Executive Session in regards to 551.087 Business Prospect/551.072 Real Property.

10. Approving the appointment of Mayor Pro-tempore(s).

Councilman Briley made the motion to appoint Joe Spano Mayor Pro-tem and Shane Price as Deputy Mayor Pro-tem. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

There being no further business the meeting was adjourned at 9:55 a.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor