

City Council  
September 15, 2014

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Tuesday, September 15, 2014, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

Others Present: Paul Stevens, City Manager  
Michael Scott, Assistant City Manager  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary

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Mayor Kevin Strength called the meeting to order. City Manager Paul Stevens gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of September 2, 2014
- b. Minutes of the City Council work session of September 2, 2014
- c. Minutes of the joint work session between City Council and WISD Trustees of August 29, 2014
- d. Minutes of the Planning & Zoning Commission meeting of September 10, 2014
- e. Minutes of the Heritage Preservation Commission meeting of August 14, 2014
- f. Monthly Code Enforcement Report for August 2014
- g. Monthly Violation Activity Statistics for August 2014
- h. Monthly Fire and EMS reports for Augusts 2014
- i. Monthly Crime report for July and August 2014
- j. Approve budget amendment requested by Utilities Department
- k. Approve budget amendment requested by Fire Department
- l. Approve Chlorine Dioxide Generators Rental Agreement Renewal
- m. Consider casting votes for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees

**Councilmember Chuck Beatty moved to approved Items a. through m. on the Consent Agenda.**  
Councilmember Mary Lou Shipley seconded. **All Ayes.**

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Councilmember Mary Lou Shipley introduced Ms. Caroline Barksdale as the Honorary Councilmember for the month of September and presented her with a Certificate of Appreciation for participating in the Honorary Councilmember program.

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Mayor Strength read a Proclamation proclaiming September 17–23, 2014 as “Constitution Week” and presented it to the Rebecca Boyce Chapter.

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Mr. Jim Markle, The Avenue Church, 210 YMCA, Waxahachie, reported the church will be celebrating “Be the Church” on Sunday, September 28, 2014 from 4:00 p.m. – 9:00 p.m. outdoors with a meal and worship service. He requested approval for fireworks display to end the evening.

**After a brief discussion, Councilmember Chuck Beatty moved to approve the fireworks display as presented.** Councilmember David Hill seconded, **All Ayes.**

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Mrs. Cindy Kemp, 420 Victorian Drive, Waxahachie, requested approval of a wedding event at the Chautauqua Auditorium to be held March 14, 2015.

City Manager Paul Stevens stated Staff reviewed the application and recommends approval.

**Mayor Pro Tem Mark Singleton moved to approve the use of the Chautauqua Auditorium as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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Parks and Recreation Director John Smith requested permission for street closures for the 11th Annual WWII re-enactment to be held Saturday, November 8, 2014. . He stated the WWII event organizers have granted the Salvation Army access to downtown on November 8 to hold a 5k run and fun walk. Mr. Smith requested to close Franklin Street between Rogers Street and College Street and close Rogers Street on the west side of the Courthouse to accommodate several activities around the courthouse square. The battle between camps will occur in the afternoon near the MKT Depot and Boyce Grain and Feed. Mr. Smith stated the Parks Department will assist with street closure and requested police assistance with crowd control during the battle.

**Councilmember Mary Lou Shipley moved to approve street closure for the WWII re-enactment and Salvation Army 5k run and fun walk to be held Saturday, November 8, 2014 as presented.** Councilmember David Hill seconded, **All Ayes.**

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City Manager Paul Stevens reported the Waxahachie Lions Club request street closure for the 12<sup>th</sup> Annual Mini Grand Prix to be held on Saturday, October 4, 2014. He explained the setup is the same as years past setting up on Friday evening and finishing by 2:00 p.m. on Saturday.

**Mayor Pro Tem Mark Singleton moved to approve the Waxahachie Lions Club Mini Grand Prix to be held on Saturday, October 4, 2014 as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor Strength Continue Public Hearing to accept public comments and discuss the proposed creation of a Public Improvement District.

Planning Director Clyde Melick explained the public hearing is to discuss the petition to create a Public Improvement District known as the North Grove district. It speaks to the general level of construction which is composed of offsite water distribution, offsite sanitary sewer collection, water distribution, sanitary sewer collection, drainage facilities, acquisition, construction and improvement of streets, roadways, and rights of way, demolition of existing structures and the construction of sidewalks and related amenities. Estimated cost of the improvements will be \$12,500,000. No city funds will be used to fund the project and every month a general update will be given to Council. Bond pricing is estimated in December 2014 with approval of bond sale in January 2015.

There being no others to speak for or against public comments and discuss the proposed creation of a Public Improvement District, Mayor Strength closed the Public Hearing.

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Mr. Melick presented proposed Resolution No. 1189 creating the North Grove Public Improvement District:

***RESOLUTION NO. 1189***

**A RESOLUTION CREATING THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATED THERETO**

**WHEREAS**, the City of Waxahachie, Texas (the “City”) is authorized by Chapter 372, Texas Local Government Code, as amended (the “Act”) to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district;

**WHEREAS**, on July 2, 2014, there was submitted to and filed with the City Secretary of the City pursuant to the Act that certain “Petition for the Creation of a Public Improvement District to Finance Improvements to North Grove Subdivision” (the “Petition”) requesting the establishment of a public improvement district covering approximately 768 acres described in the Petition and Exhibit A attached hereto, and to be known as the “North Grove Public Improvement District” (the “District”);

**WHEREAS**, the City Council of the City (the “City Council”) has reviewed the Petition and determined that the Petition satisfies the requirements of the Act;

**WHEREAS**, after providing the notices required by the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the “Open Meetings Act”), the City Council conducted a public hearing on July 7, 2014, to determine the advisability of creating and

establishing the District and undertaking the public improvement projects described in the Petition;

**WHEREAS**, the public hearing was continued to September 15, 2014, to allow the City Council to hear evidence and make findings as to the advisability, nature and cost of the improvements the boundaries of the district and the method of assessment and apportionment of costs between the District and the City;

**WHEREAS**, all owners of property located within the proposed District and all other interested persons were given the opportunity at such public hearing to speak for or against the creation of the District and the proposed public improvements; and

**WHEREAS**, the City Council has made findings based on the information contained in the petition presented to the City Council and the comments received at the public hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS;**

**Section 1.** The City Council hereby approves the statements contained in the preamble of this Resolution and finds that all statements are true and correct and incorporate the same in the body of this Resolution.

**Section 2.** The City Council, after considering the Petition and the evidence and testimony presented at the public hearing, hereby finds and determines that:

(a) the Petition was filed with the City Secretary and was signed by owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current appraisal roll of the appraisal district in which the property is located, and by the record owners of real property liable for assessment under the proposal who own taxable real property that constitutes more than 50 percent of the area of all real property that is liable for assessment under the proposal;

(b) the proposed public improvements described in the Petition are of the nature of the public improvements described in Section 372.003 of Texas Local Government Code, as amended, and are advisable and desirable improvements for the District;

(c) the proposed public improvements will promote the interests of the City and are of the nature that will confer a special benefit on property within the District by enhancing the value of such property located within the District;

(d) the boundaries of the District include all of the property that is set forth and described in Exhibit A attached hereto and made a part hereof for all purposes;

(e) the nature of the proposed improvements and estimated costs thereof are set forth and in the Petition and made a part hereof for all purposes;

(f) the assessment of costs of the proposed improvements will be levied on each parcel of property within the Public Improvement District in a manner that results in imposing equal shares of the costs on property similarly benefitted;

(g) the costs of the improvements shall be apportioned between the District and the City such that all such costs are paid from the assessments levied on the property within the District and other sources available to the owners and developers of the property within the District, as further described in the Service and Assessment Plan; and

(h) the District shall be managed without the creation of an advisory body.

**Section 3.** Based on the foregoing, the North Grove Public Improvement District is hereby created and the public improvements described in the Petition are authorized to be made in accordance with the service and assessment plan for the North Grove Public Improvement District to be approved by the City Council at a future meeting.

**Section 4.** After adoption of this resolution, the City Secretary is authorized and directed to cause a copy of this resolution to be published in a newspaper of general circulation within the City.

**Section 5.** If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 6.** The authorization of the District pursuant to this resolution shall take effect upon publication of this resolution as provided above.

**Councilmember Chuck Beatty moved to approve Resolution No. 1189 as presented.**  
Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Daniel Johnson for a Site Plan approval within Planned Development-42-Commercial (PD-42-C) Zoning District for pay station and vacuum area modifications related to the general remodeling of Zippy's Express Car Wash located at 1560 N. Hwy. 77, being Lot 7, Block A, 8.6360 acres, Waxahachie Towne Center North Addition – Owner: Triple C Development, Inc. (ZA2014-22).

Mr. Scott Ward, Triple C Development, 200 Armory Road, Centre, Alabama, requested approval as presented above.

There being no others to speak for or against Zoning Amendment Request 2014-22, Mayor Strength closed the Public Hearing.

**Councilmember Chuck Beatty moved to approve a Site Plan approval within Planned Development-42-Commercial (PD-42-C) Zoning District for pay station and vacuum area modifications related to the general remodeling of Zippy's Express Car Wash located at 1560 N. Hwy. 77, being Lot 7, Block A, 8.6360 acres, Waxahachie Towne Center North Addition – Owner: Triple C Development, Inc. (ZA2014-22).** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Ms. Derica Peters, Planning & Development Coordinator, presented proposed Ordinance No. 2760 creating the Keep Waxahachie Beautiful Committee. She explained the committee will serve the needs of the city and residents by supporting the efforts of Keep Waxahachie Beautiful, an organization whose purpose is to enhance the community through beautification, litter prevention and waste reduction.

City Manager Paul Stevens stated with Economic Development and Council's instruction cleaning up the highway and house demolition in place, it fits well with what Council and Staff is trying to achieve.

**ORDINANCE NO. 2760**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, CREATING THE KEEP WAXAHACHIE BEAUTIFUL COMMITTEE FOR THE CITY OF WAXAHACHIE TEXAS , AND SETTING AN EFFECTIVE DATE**

**Councilmember Mary Lou Shipley moved to approve Ordinance 2760 as presented and inaugural members.** Councilmember David Hill seconded, **All Ayes.**

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City Manager Paul Stevens presented Ordinance No. 2761 noting the general fund budget for fiscal year 2014-2015 totals \$28,902,340.

**ORDINANCE NO. 2761**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2013-2014; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND TERMINATING SEPTEMBER 30, 2015, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**After a brief discussion, Councilmember Chuck Beatty moved to approve Ordinance No. 2761 as presented.** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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City Manager Paul Stevens presented Ordinance No.2762 noting the amount of water expenses appropriated total \$10,205,002. Amount of wastewater expenses appropriated total \$6,780,295.

**ORDINANCE NO. 2762**

**AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WAXAHACHIE'S WATER AND WASTEWATER OPERATIONS FOR THE PERIOD BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2762 as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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City Manager Paul Stevens presented Ordinance No. 2763 noting the Ordinance for fiscal year 2014-2015 includes a 2% increase on water rates.

**ORDINANCE NO. 2763**

**AN ORDINANCE AMENDING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1ST, 2014.**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 2763 as presented.*  
Councilmember Chuck Beatty seconded, *All Ayes.*

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City Manager Paul Stevens presented Ordinance No. 2764 noting the total amount appropriated out of the Sokoll Water Treatment Plant for expenses of the operation, maintenance, and debt service of the Water Treatment Joint Venture water system total \$5,879,500 for fiscal year 2014-2015.

**ORDINANCE NO. 2764**

**AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.**

*Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2764 as presented.*  
Councilmember Chuck Beatty seconded, *All Ayes.*

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City Manager Paul Stevens presented Ordinance No. 2765 approving Refuse Service Fund; Hotel Tax Fund; Waxahachie Community Development Corporation of operation of the Civic Center, operation of the Sports Complex, debt service, and economic development; and Interest and Sinking Fund for fiscal year 2014-2015.

**ORDINANCE NO. 2765**

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF WAXAHACHIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AND DECLARING AN EFFECTIVE DATE.**

*Councilmember Chuck Beatty moved to approve Ordinance No. 2765 as presented.*  
Councilmember David Hill seconded, *All Ayes.*

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City Manager Paul Stevens presented Ordinance No. 2766 approving the tax rate for fiscal year 2014-2015. He stated the tax rate of \$0.680000 per \$100 valuation is the same as the preceding year's tax rate.

**ORDINANCE NO. 2766**

**AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2015 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.**

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2766 as presented.  
Councilmember Mary Lou Shipley seconded, All Ayes.

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City Manager Paul Stevens presented Ordinance No. 2767 re-establishing classified positions under Civil Service for fiscal year 2014-2015. He stated it reflects the same classified positions as last fiscal year.

**ORDINANCE NO. 2767**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2767 as presented.  
Councilmember Chuck Beatty seconded, All Ayes.

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**CITIZENS' PETITIONS AND REQUEST**

None

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**COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY AND CITY MANAGER**

Mayor Strength welcomed former Mayor Jay Barksdale.

City Manager Paul Stevens thanked Council, Directors, and Finance Staff for their participation and input with the budget process. He thanked Council for approving the fiscal year 2014-2015 budget.

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Assistant City Manager Michael Scott announced the Chamber Auction will be held on Saturday, October 4, 2014.

The entire City Council thanked Ms. Caroline Barksdale for her participation as Honorary Councilmember for the month of September.

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There being no further business the meeting adjourned at 7:57 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary