

City Council
September 21, 2015

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 Monday, September 21, 2015, 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

Mayor Kevin Strength called the meeting to order. Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of regular City Council meeting of September 8, 2015
- b. Minutes of City Council work session of September 8, 2015
- c. Minutes of Planning & Zoning Commission meeting of September 9, 2015
- d. Minutes of Waxahachie Community Development Corporation meeting of September 8, 2015
- e. Minutes of Keep Waxahachie Beautiful Committee meeting of August 4, 2015
- f. Monthly Code Enforcement report for August, 2015
- g. Monthly Building reports for June, July and August 2015
- h. Monthly Violation Activity Statistics report for August 2015
- i. Monthly Fire & EMS report for July, 2015
- j. Monthly Crime Report for August 2015
- k. Approve Chlorine Dioxide Generator Rental Agreement Renewal
- l. Approval water and wastewater treatment chemicals bid renewal
- m. Approve Taxi Cab License
- n. Approve Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches

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

Mayor Pro Tem Mark Singleton introduced Ms. Zoe Kalcum as Honorary Councilmember for the month of September 2015. He presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

Mr. Joel Warren, The Avenue Church, 210 YMCA Drive, Waxahachie, announced the annual "Be the Church" celebration is scheduled for Sunday, September 27, 2015 at 4:00 p.m. on the grounds of The Avenue Church. The end of day event and will include an outdoor meal, worship service and a three minute fireworks show to end the evening. He requested approval to hold the fireworks show.

Mayor Pro Tem Mark Singleton moved to approve the fireworks show as presented.
Councilmember David Hill seconded, **All Ayes.**

Ms. Ashley Cieri, Waxahachie Community Theatre, introduced Mr. Terry Ellis, Chairman, Waxahachie Community Theatre, thanked Parks and Recreation Director John Smith for his efficiency when called upon and thanked the City for the upkeep of the Chautauqua Auditorium.

Mr. Ellis expressed concern of utilizing the Chautauqua Auditorium for their shows and asked Council to consider upgrades to include a restroom facility at the north walkway by the concession stand; more comfortable seating such as portable padded chairs; handicap railing inside the auditorium and new wiring. Mr. Ellis stated more specifics will be presented to City Council in the future.

Ms. Anita Dickason, 308 Northgate Drive, Waxahachie, stated she owns and operates Texas Crash Report Service. She presented a report of Run-Off-Road collisions occurring on Northgate Drive. She stated 26 residents, who live on Northgate Drive between the intersection of Cornell Lane and Solon Road identified run-off-road collisions have resulted in the destruction of 28 mailboxes. The residents all stated the excessive speed of many of the vehicles traveling on Northgate Drive was the cause of the hazardous conditions that currently exist. Ms. Dickason reported the crash studies indicate the primary cause of horizontal curve collisions is due to vehicles attempting to negotiate a curve with a speed too fast for the curve. She presented the Northgate traffic calming program introducing speed cushions to reduce vehicle speed without affecting emergency response time. The cushion reduces vehicle speed to between 15-20 mph. Several residents on Northgate Drive expressed concern of the collisions affecting their property.

City Manager Paul Stevens thanked Ms. Dickason for her report and stated he will get with City Staff and meet again with Ms. Dickason to resolve the issue.

Ms. Anita Brown, Downtown Development Director, requested approval street closure for Food Truck Frenzy to be held October 10, 2015. She requested to close College Street from Main to the middle of the 200 block of S. College and Franklin Street from Rogers to middle of 100 Block of E. Franklin. The street will be closed from approximately 4:00 p.m. - to 11:00 p.m. and the event will be from 6:00 p.m. -10:00 p.m.

Councilmember David Hill moved to approve street closure for Food Truck Frenzy on October 10, 2015 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Cole & Associates, Inc. for a Site Plan approval in a Planned Development-36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing Rev. – Owner: HD Development Properties LP (ZA 2015-29).

Mayor Strength announced the Planning and Zoning Commission continued the Public Hearing and therefore Council will need to continue the Public Hearing to the City Council meeting of October 19, 2015.

Mayor Pro Tem Mark Singleton moved to continue the Public Hearing on a request by Cole & Associates, Inc. for a Site Plan approval in a Planned Development-36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing Rev. – Owner: HD Development Properties LP (ZA 2015-29) to the City Council meeting of October 19, 2015. Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 43-Sign Regulations.

Ms. Derica Peters, Planning & Development Coordinator, proposed the designation and regulation of “Unified-Lot Sign”. She explained the “Unified-Lot Sign” must meet all requirements of a monument sign, and may be placed on a premise consisting of two or more contiguous lots where each lot owner has entered into a binding agreement through an easement

to treat their separate lots as one lot for the limited purpose of signage. It may be allowed by Specific Use Permit (SUP). Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.

There being no others to speak for or against amending the Waxahachie Zoning Ordinance Section 43-Sign Regulations, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2810:

ORDINANCE NO. 2810

AN ORDINANCE AMENDING SECTION 43.4 OF THE WAXAHACHIE ZONING ORDINANCE BY ADDING A NEW PROVISION PROVIDING FOR “UNIFIED-LOT SIGN” AND SETTING REGULATIONS FOR UNIFIED-LOT SIGNS , AND ORDERING THE CHANGING OF THE ZONING ORDINANCE THEREOF IN ACCORDANCE WITH SAID CHANGE

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2810 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

City Manager Paul Stevens presented Ordinance No. 2811 approving revised General Fund budget figures for fiscal year 2014-2015 and approving the budget for fiscal year 2015-2016. He reported the revised budget figures for fiscal year 2014-2015 total \$33,582,068. The General Fund budget for fiscal year 2015-2016 totals \$33,474,100.

ORDINANCE NO. 2811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2014-2015; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND TERMINATING SEPTEMBER 30, 2016, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE

After a brief discussion, Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2810 as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Stevens presented Ordinance No. 2812 approving Water and Wastewater Budget for fiscal year 2015-2016 noting total water expenses total \$11,220,500 and wastewater expenses total \$7,377,025.

ORDINANCE NO. 2812

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, 2015 AND ENDING SEPTEMBER 30, 2016

After a brief discussion, Councilmember Chuck Beatty moved to approve Ordinance No. 2812 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Stevens presented Ordinance No. 2813 amending Water and Wastewater fees setting an effective date of October 1, 2015. Director of Finance Charles Harris stated the rates are going up 5%.

ORDINANCE NO. 2813

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, 2015

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2813 as presented.
Councilmember David Hill seconded, All Ayes.

Mr. Stevens presented Ordinance No. 2814 approving the Robert W. Sokoll Water Treatment Plant Budget for fiscal year 2015-2016. He stated the budget is estimated to have expenses totaling \$6,651,250.

ORDINANCE NO. 2814

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ROBERT W. SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2814 as presented.
Councilmember Chuck Beatty seconded, All Ayes.

Mr. Stevens presented Ordinance No. 2815 approving the Refuse Service Fund; Hotel Tax Fund; Waxahachie Community Development Corporation Budget; and, Interest and Sinking Fund for fiscal year 2015-2016. He presented the following appropriations:

Refuse Service Fund for disposal operations: \$1,055,385

Hotel Tax Fund for contractual obligations: \$521,790

Waxahachie Community Development Corporation of operation of the Civic Center, operation of the Sports Complex, debt service, community beautification, and economic development: \$5,655,370

Interest and Sinking Fund for debt service requirements: \$5,672,817

ORDINANCE NO. 2815

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF WAXAHACHIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AND DECLARING AN EFFECTIVE DATE

Councilmember Chuck Beatty moved to approve Ordinance No. 2815 as presented.
Councilmember Mary Lou Shipley seconded, All Ayes.

Mr. Stevens presented Ordinance No. 2816 approving the Tax Rate for fiscal year 2015-2016. He stated the tax rate remains the same as last year being a total tax of 68 cents on each one hundred dollars (\$100.00) of assessed valuation based on 100% of market value of said property.

ORDINANCE NO. 2816

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 2016 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2816 as presented.
Mayor Pro Tem Mark Singleton seconded, *All Ayes.*

Mr. Stevens presented Ordinance No. 2817 re-establishing classified positions under Civil Service:

ORDINANCE NO. 2817

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 Chuck Beatty moved to approve Ordinance No. 2817 as presented.
Councilmember Mary Lou Shipley seconded, *All Ayes.*

Mr. Stevens presented Ordinance No. 2818 regarding removal of graffiti. He explained the Ordinance gives the City the ability to remove graffiti on private property.

ORDINANCE NO. 2818

AN ORDINANCE CONCERNING REMOVAL OF GRAFFITI ON PRIVATE PROPERTY, DEFINING GRAFFITI AND REQUIRING ITS REMOVAL UNDER DESIGNATED CIRCUMSTANCES, AND SETTING PROCEDURES FOR ITS REMOVAL, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2818 as presented.
Councilmember David Hill seconded, *All Ayes.*

Ms. Anita Brown, Director of Downtown Development, presented Ordinance No. 2819 amending Chapter 4-2 Alcoholic Beverages. She explained the ordinance will allow for exemption in the historic overlay district during events that have been sanctioned and approved by the city, and specifically allow alcoholic beverage consumption.

ORDINANCE NO. 2819

AN ORDINANCE AMENDING THE TEXT OF CHAPTER 4-2, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES, BY AMENDING SECTION 4.2 TO READ AS FOLLOWS, AND SETTING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY

After a brief discussion, Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2819 as presented. Councilmember Mary Lou Shipley seconded, *All Ayes.*

Mr. David Bailey, Director of Utilities, reported bids were received and opened on Thursday, August 27, 2015 for improvements in the Robert W. Sokoll Water Treatment Plant for the membrane basins coating system project and at the Howard Road Water Treatment Plant Filter No. 1 under drain system rehabilitation project. After review of bids and associated information,

city staff to award the bid to Red River Construction Company, Wylie, Texas, in the total bid amount of \$386,100.

Mr. Bailey reported funding for the Robert W. Sokoll Water Treatment Plant improvements project is included in the 2015-2016 fiscal year budget and funding for the Howard Road Water Treatment Plant improvements project is included in the 2007 Certificate of Obligations Water Bond Funds. He noted the timeline to complete the project is 6 months.

After further discussion, Mayor Pro Tem Mark Singleton moved to award the bid for improvements in the Robert W. Sokoll Water Treatment Plant for the membrane basins coating system project and Howard Road Water Treatment Plant Filter No. 1 under drain system rehabilitation project to Red River Construction Company, Wylie, Texas, in the total amount of \$386,100. Councilmember David Hill seconded, **All Ayes.**

Mr. Abdi Yassin, Manager, MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

He reviewed the annual installments to be collected by the tax collector for the payment of the debt service on the Series 2011 Bonds as well as the assessment collection and Public Improvement District administration related costs for the year. The budget for the Phase One Annual Installments to be collected in 2016 totals \$135,429.00.

Councilmember Chuck Beatty moved to accept the Annual Service Plan Update including the collection of the 2016 Annual Installment totaling \$135,429.00 for the Waxahachie Public Improvements District No. 1. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Abdi Yassin, Manager, MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll noting this is the first update to the North Grove Public Improvement District.

Mr. Yassin reported the North Grove Public Improvement District (the "PID") was created pursuant to the PID Act and a resolution of the City Council on September 15, 2014 to finance certain public improvement projects for the benefit of the property in the PID. The PID consists of 768 acres of property within the City limits. The Improvement Area #1 consists of 483 acres within the PID. He reported the budget for the Annual Installments to be collected in 2015 total \$69,075.00.

Councilmember Chuck Beatty move to accept the Annual Service Plan Update including the collection of the 2015 Annual Installment totaling \$69,075.00 for the North Grove Public Improvement District. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Citizens' Petition and Request

Ms. Anita Brown, Director of Downtown Development stated there are great things happening downtown and all around the city and it's due to the decisions City Council has made and the good stewards of City Staff. She thanked City Council for their support.

Ms. Laura Mosley, Director of Convention Visitors Bureau, announced Waxahachie is being promoted in the *Texas Monthly* Magazine and *Texas Highway* magazine; and, the Crossroads of Texas Film Festival is September 23-26, 2015. She thanked City Council for their support.

Ms. Debra Wakeland, President and CEO of Chamber of Commerce announced the Chamber Auction will be held on Saturday, October 3, 2015 at the Civic Center.

Comments by Mayor, City Council, City Attorney and City Manager

Assistant City Manager Michael Scott thanked Fire Chief Boyd and Police Chief Goolsby and their department for making a bad situation easier during the recent explosion in Saddlebrook Estates.

Councilmember Mary Lou Shipley thanked Honorary Councilmember Zoe Kalcum for her participation and thanked Ms. Brown for having the food trucks in the fall.

Councilmember Chuck Beatty announced “Chautauqua Celebrates Flight”, with guest speaker Apollo 13 Astronaut Fred Haise, will be held at Chautauqua Auditorium Saturday, September 26, 2015 from 9:00 a.m. – 5:00 p.m. He announced the Bessie Coleman special event at Mid-Way Airport Friday, September 25, 2015 from 5:30 p.m. – 7:00 p.m.

Mr. Stevens echoed Mr. Scott’s previous comment and thanked Public Works and Utilities Departments for the great teamwork they do. He thanked Council for approving the budget and thanked Director of Finance Charles Harris, Assistant Finance Director Gail Turner, Budget Analyst, Thanasis Kombos and their staff. Mr. Stevens reported the Downtown Merchants and Ms. Brown have served Hilda Chapman’s legacy well by keeping downtown active.

Councilmember David Hill referenced the incident at Saddlebrook Estates and stated it makes you proud to live in this city where everyone works together for the betterment of our community.

There being no further business, Mayor Pro Tem Mark Singleton moved the meeting adjourn at 8:58 p.m. Councilmember David Hill seconded, **All Ayes.**

Respectfully submitted,

Lori Saunders
City Secretary