

City Council
December 7, 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, December 7, 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: Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Others Absent: Paul Stevens, City Manager

Mayor Kevin Strength called the meeting to order. Assistant City Manager Michael Scott 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 November 16, 2015
- b. Minutes of the City Council work session of November 16, 2015
- c. Minutes of the special City Council meeting of November 23, 2015
- d. Minutes of the Zoning Board of Adjustments meeting of November 30, 2015
- e. Minutes of the Mid-Way Airport Board meeting of September 10, 2015
- f. Approve Budget Amendment Request from Downtown Development Department
- g. Approve Budget Amendment Request from City Marshal Department
- h. Approve Taxi Cab License
- i. Approve Mobile Home License
- j. Approve Cupid Shuffle 5k and 15k for February 13, 2016
- k. Approve wedding and reception at Chautauqua Auditorium on June 11, 2016

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

Mayor Strength announced there is not an Honorary Councilmember.

Mayor Strength opened the second Public Hearing extending a Franchise Agreement with Oncor Electric Delivery Company.

Mr. Kerric Bradford, Oncor Area Manager, stated the franchise to Oncor Electric Delivery Company, LLC is for a period of ten (10) years ending December 2025. He explained the payment structure changed from semi-annual payments to a quarterly payment schedule.

There being no others to speak for or against extending a Franchise Agreement with Oncor Electric Delivery Company, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2835:

ORDINANCE NO. 2835

AN ORDINANCE AMENDING ORDINANCE NO. 2343, WHICH GRANTS A FRANCHISE TO ONCOR ELECTRIC DELIVERY COMPANY LLC, SUCCESSOR IN INTEREST TO TXU ELECTRIC DELIVERY COMPANY, BY EXTENDING THE TERM AND PROVIDING FOR ITS RENEWAL; FURTHER PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACCEPTANCE BY ONCOR ELECTRIC DELIVERY COMPANY LLC.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2835 as presented.
Councilmember David Hill seconded, All Ayes.

Mr. Jeff Chambers, Director of Public Works, followed-up from a previous Council workshop pertaining to Storm Water Management Plan. He reviewed the following associated costs and penalties for non-compliance as requested from Council:

Associated costs: The estimate of the annual cost for staffing is \$47K plus benefits for one full time "Storm Water Coordinator". Since the requirements of these programs spread across several departments, there may be an opportunity to spread the associated costs across these same departments. It is not our intention to hire any additional personnel until the full workload impact is understood. It would be our plan to set the permit fees at a level that will recover a significant portion of the costs for staff and supplies.

Penalties for non-compliance: To answer this question we pursued two lines of inquiry. First, was direct research of the Texas Water Code. Our consultants also made contact with several representatives of the TCEQ. The penalties can be found in Chapter 7 of the Texas Water Code. The penalties are levied in several different stages depending on the circumstances of the violation and how long an entity was to remain in non-compliance.

- The first level is covered in Subchapter C, Administrative Penalties. Under section 7.052.C the maximum penalty is \$10,000 per day. This fine when levied would be accompanied by an order to come into compliance (adopt an ordinance).

- If this order was violated and one was continue in non-compliance then the penalty would increase to \$25,000 per day. This level is covered in Subchapter D, section 7.103, (Continuing Violations).
- If the violation were to continue beyond this there are further levels but I have not listed them here.

Mayor Pro Tem Mark Singleton stated he visited with Representative John Wray and others to revisit the Storm Water Management Plan at the next Legislative session. He noted it is a continuation of government overreach and we are forced to comply do to the penalties. Mayor Pro Tem Singleton stated as a developer and banker, it doesn't make sense and puts another burden on the City that will be passed on to companies wanting to do business in the City. He stated the core of the EPA implementing this is that we don't fill our lakes and reservoirs with sediment. He thanked Jeff for bringing back the requested information.

Assistant City Manager Michael Scott noted the intention is not to hire someone immediately and possibly have the opportunity to utilize the new Engineer Department to defray the initial burden to other staff.

After further discussion, Mr. Chambers presented the following Ordinances for consideration pertaining to the Storm Water Management Plan:

ORDINANCE NO. 2836

AN ORDINANCE CONTROLLING ILLICIT DISCHARGES, DETECTION AND REGULATIONS CONCERNING THE MUNICIPAL STORM SEWER SYSTEM AS REQUIRED BY STATE AND FEDERAL LAW, PROHIBITING CERTAIN DISCHARGES TO THE STORM SEWER SYSTEM, PROVIDING FOR INSPECTIONS AND ENFORCEMENT PROCEEDINGS, DECLARING AN EMERGENCY AND MAKING THIS ORDINANCE EFFECTIVE UPON PASSAGE.

Councilmember David Hill moved to approve Ordinance No. 2836 as presented.

Councilmember Chuck Beatty seconded, the vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

ORDINANCE NO. 2837

AN ORDINANCE PROVIDING FOR POST-CONSTRUCTION RUNOFF CONTROL, REGULATING STORMWATER RUNOFF AS REQUIRED BY STATE AND FEDERAL LAW, PROHIBITING CERTAIN STORMWATER RUNOFF, MAKING SPECIFIC REQUIREMENTS, AND PROVIDING FOR INSPECTIONS AND ENFORCEMENT PROCEEDING, DECLARING AN EMERGENCY AND MAKING THIS ORDINANCE EFFECTIVE UPON PASSAGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2837 as presented.

Councilmember Mary Lou Shipley seconded, the vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

ORDINANCE NO. 2838

AN ORDINANCE PROVIDING FOR EROSION CONTROL, REGULATING NON-STORMWATER DISCHARGES TO THE STORM DRAINAGE SYSTEM AS REQUIRED BY STATE AND FEDERAL LAW, PROHIBITING CERTAIN DISCHARGES TO THE STORM SEWER SYSTEM, PROVIDING FOR INSPECTIONS AND ENFORCEMENT PROCEEDINGS, DECLARING AN EMERGENCY AND MAKING THIS ORDINANCE EFFECTIVE UPON PASSAGE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2838 as presented.

Councilmember Chuck Beatty seconded, the vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

Ms. Anita Brown, Director of Downtown Development, presented the Farmers Market Report for 2015. She reported the Farmers Market had 30 weeks of participation. Sales for the first 15 weeks totaled \$60,784.76 and the second 15 weeks sales totaled \$56,503.03 for a total 2015 season total of \$117,287.79. Ms. Brown reported sales were down from last year due to several rains this year in 2015. She stated the community continues to support the market.

Citizens' Petitions and Requests:

Ms. Anita Brown stated last week was incredible with the Christmas parade, tour of homes, and Bethlehem revisited.

Ms. Amy Hollywood, Director of Communications and Marketing, stated the events were wonderful and thanked City Council for their support.

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

Councilmember Mary Lou Shipley stated the parade was the intimately small town parade with a friendly crowd.

Councilmember Chuck Beatty thanked City Staff for the success of the downtown events.

Assistant City Manager stated it took a large team of City Staff to pull the parade together. He announced the City closed on the property located on Farley Street and Staff will soon be meeting with architects for drawings of a new Police Station. He thanked City Council for their support.

Mayor Pro Tem Mark Singleton stated the parade was a reminiscing of the earlier days as a kid. He stated Waxahachie has something very special to offer. He asked for prayers for the Horak family due to the loss of Dennis Horak.

Councilmember David Hill stated Chick-fil-a brought 4,000 sandwiches to hand out at the parade and had approximately 100 left over. He stated Waxahachie is a Norman Rockwell setting and is a great place to live.

Mayor Strength thanked City Staff for the parade noting it was a privilege to participate. He announced, since the opening of the hospital, 500 babies were born there in 2015.

There being no further business, the meeting adjourned at: 7:35 p.m.

Respectfully submitted,
Lori Saunders, City Secretary