

City Council
April 17, 2017

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, April 17, 2017 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
Darren Groth, Director of Planning

Mayor Kevin Strength called the meeting to order and Councilmember Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of April 3, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of April 11, 2017
- c. Minutes of the Waxahachie Community Development Corporation meeting of April 11, 2017
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of April 10, 2017
- e. Minutes of the Heritage Preservation Commission meeting of March 16, 2017
- f. Monthly Building Report for February 2017
- g. Monthly Code Enforcement Report for March 2017
- h. Monthly Violation Activity Statistics for March 2017
- i. Monthly Crime Report for March 2017
- j. Monthly Fire and EMS Report for March 2017
- k. Approve RE/MAX Fundraiser benefitting Texas Sentinel
- l. Approve parade route for 20th Annual Crape Myrtle Festival hosted by Chamber of Commerce
- m. Approve Final Plat of Vincell Acres, being a 2.269-acre tract of land out of the J.B. and Ann Adams Survey, Abstract No. 5 in the ETJ of the City of Waxahachie – Owner: VINCELL ROGER ETAL (FP-17-0035)

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

Mayor Strength introduced Ms. Abby Melick as Honorary Councilmember for the month of April and presented Ms. Melick a Certificate of Appreciation for her participation in the Honorary Councilmember Program.

Mayor Strength read a Proclamation proclaiming April as “Alcohol Awareness Month” and presented it to Shari Phillips and representatives of IMPACT Communities.

Mr. Chris Pruitt, Auditor, Patillo, Brown & Hill, L.L.P., presented the City’s Annual Financial Report for year ended September 30, 2016. As of year-end, total combined net position was \$110,891,911. Of this amount, \$18,228,566 (unrestricted net position) may be used to meet the City’s ongoing obligations to citizens and creditors. The City’s total net position decreased by \$836,133 during the current fiscal year. At the end of the fiscal year, the total fund balance of all governmental funds was \$39,772,253, up \$16,233,107 from the prior year. The increase was primarily due to the General Obligation Refunding Bonds and Certificate of Obligation Tax and Revenue Bonds issued during the fiscal year. The General Fund had a decrease in fund balance of \$280,939 while the Debt Service Fund had an increase in fund balance of \$671,035. As of the close of the current fiscal year, unassigned fund balance for the General Fund was \$11,374,540, or approximately 37.21% of total General Fund expenditures. Mr. Pruitt reported water and wastewater funds are healthy and in very good shape.

Mr. Pruitt reviewed the Employee Retirement Systems and Pension Plans. He noted the City’s contributions to TMRS for the year ended September 30, 2016, were \$2,013,447, and were equal to the required contributions. He stated the net pension balance as of December 31, 2015 totaled \$11,829,626.

Mr. Pruitt reviewed the Firefighters’ Relief and Retirement Fund noting the net position balance as of December 31, 2015 totaled \$7,696,490.

Mayor Pro Tem Mark Singleton expressed concern with unfunded liability and stated if the liability continues to accrue, there is no plan to reconcile. Mr. Pruitt stated the plan is 82% funded and stated actuarial assumptions used in the valuation were based on the results of actuarial experience studies. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs to TMRS.

After further discussion, City Manager Paul Stevens stated he will obtain more information from TMRS to Mayor Pro Tem Singleton’s concerns. Mr. Stevens thanked Director of Finance Charles Harris and Assistant Director of Finance Gail Turner for the work.

Mayor Pro Tem Mark Singleton moved to accept the Annual Financial Report for year ending September 30, 2016. Councilmember David Hill seconded, **All Ayes.**

Assistant City Manager Michael Scott presented Ordinance No. 2935 annexing property owned by Walton Texas, LP, a Texas limited partnership, for annexation of four parcels comprising approximately 791.296 acres situated generally south of FM Road 875 and west of Interstate

Highway 35E. Mr. Scott presented a rendering of the property being 4 tracts noting this is a voluntary annexation and Public Hearings have been met.

ORDINANCE NO. 2935

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY THAT LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE IN THE PARTICULARS STATED IN THIS ORDINANCE, AND DECLARING AN EMERGENCY.

Councilmember Chuck Beatty moved to approve Ordinance No. 2935 as presented. Mayor Pro Tem Mark Singleton seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Zoning Change from a Commercial (C) zoning district to Central Area (CA), located at 401 W. Franklin, being LOT 3 BLK 18 O T WAXAHACHIE .23 AC - Owner: SOUTHFORK CAPITAL LLC. (ZC-17-0039).

Mr. Darren Groth, Director of Planning, stated zoning from Commercial to Central Area allows potential for a town-home development and explained the zoning is in line with the Monroe Street expansion. He presented a rendering of the future town homes.

There being no others to speak for or against ZC-17-0039, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2936:

ORDINANCE NO. 2936

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO CENTRAL AREA (CA) LOCATED AT 401 WEST FRANKLIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.23 ACRES KNOWN AS LOT 3, BLOCK 18 OF THE ORIGINAL TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2936 as presented. Councilmember Mary Lou Shipley seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on Public Hearing on Replat of Lot 3, Block 18 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0037).

Mr. Groth reported RP-17-0037 is a companion case to ZC-17-0039 and property is located on the west side of Monroe Street creating 4 lots and stated the City Engineer has made comments. Mr. Groth recommended approval per Staff Comments.

Mr. Chris Aker, Applicant, 5100 Honeysuckle, Midlothian, stated he agrees to comply with Staff Comments.

There being no others to speak for or against RP-17-0037, Mayor Strength closed the Public Hearing.

After a brief discussion, Councilmember Chuck Beatty moved to approve Replat of Lot 3, Block 18 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0037), subject to Staff Comments. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on Replat of Lot 4, Block 17, a portion of Lots 1 and 3, Block 17 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC (RP-17-0038).

Mr. Groth stated RP-17-0038 is a companion case of ZC-17-0039 and is located on the southeast corner of S. Monroe Street and Franklin Street. Clarifications have been corrected and City Engineer has made comments. Mr. Groth recommended approval per Staff Comments.

There being no others to speak for or against RP-17-0038, Mayor Strength closed the Public Hearing.

Councilmember Mary Lou Shipley moved to approve Replat of Lot 4, Block 17, a portion of Lots 1 and 3, Block 17 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC (RP-17-0038), subject to Staff Comments. Councilmember David Hill seconded, **All Ayes.**

Police Chief Goolsby reported in April of 2016 Council approved the Construction Manager for the construction of the new police facility. Chief Goolsby requested approval of a contract amendment that would include the construction of the project. In addition, he requested an alternate to provide parking canopies for the patrol vehicles and an alternate to provide interior glazing (glass) in the offices throughout the Investigations area of the building. Chief Goolsby stated with the inclusions of the alternates, the Guaranteed Maximum Price (GMP) for the construction is \$13,524,389.

Councilmember David Hill moved to approve the Guaranteed Maximum Price (GMP) in the amount of \$13,524,389. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

City Manager Paul Stevens stated the idea for the Amphitheater project originated from Leadership Waxahachie Class of 2016 and after several meetings the idea elaborated bringing a great addition to the downtown area. Mr. Stevens stated the Waxahachie Community Development Corporation approved the architect, Halff and Associates, to begin the design process. He stated the engineering study cost is approximately \$360,000 and recommended approval.

Mayor Pro Tem Mark Singleton stated the concept ties back to the original TIRZ plan noting this will be an opportunity for TIRZ to participate in this downtown zone.

Mayor Strength stated the project area is a little over 2 acres, with access to trails, and include splash pad, amphitheater, etc. for everyone to enjoy.

Mayor Pro Tem Mark Singleton moved to approve Engineering Study with Halff and Associates as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength presented Resolution No. 1225 declaring intent to reimburse expenditures with proceeds of future debt for the purpose of the addition of an amphitheater and various Parks and Recreation improvements:

RESOLUTION NO. 1225

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADDITION OF AN AMPHITHEATER AND VARIOUS PARKS AND RECREATION IMPROVEMENTS

WHEREAS, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for the purpose of the addition of an Amphitheater and various parks and recreation improvements prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the “Regulation”) provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations; and

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

SECTION 1

That the City reasonable expects to reimburse the Waxahachie Community Development Corporation (WCDC) Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from WCDC Funds in an amount not to exceed \$400,000.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

Councilmember Mary Lou Shipley moved to approve Resolution No. 1225 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens stated Mr. Bob Lynn, Waxahachie Community Development Corporation (WCDC) Board member, presented a design for the Civic Center plaza at the recent WCDC meeting and the Board approved to contract architectural services to design the project in order to get it out for bids. Mr. Stevens presented a Professional Services Agreement with Dunkin, Sims, Stoffels, Inc. in the amount of \$18,090.00 and recommended approval.

Councilmember David Hill moved to approve Contract between City of Waxahachie and Dunkin, Sims, Stoffels, Inc. in the amount of \$18,090.00 for the design of Civic Center Plazas.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works, reported on March 30, 2017, bids were received for the Overhill Drive and Olive Street/Greenbrier Street Reconstruction project. The project consists of reconstructing the following asphalt streets to concrete streets:

- Olive Street from John Arden Drive to Overhill Drive
- Overhill Drive from Olive Street to Bus. Hwy 77/Ferris Avenue
- Greenbrier Street from Overhill Drive to LaVista Street
- Cedar Street from John Arden Drive to Overhill Drive

Mr. Chamber stated in addition to the street reconstruction, new water lines, sanitary sewer lines, and storm drain lines will be installed under the roadway. Street lights will be installed along the project limits. The contract time for the project is 270 calendar days.

Mr. Chambers reported three (3) bids were received with low bid from McMahon Contracting, LP in the amount of \$2,041,768.50 and recommended awarding the bid to McMahon Contracting.

Mayor Pro Tem Mark Singleton moved to award the bid for Overhill Drive and Olive Street/Greenbrier Street Reconstruction project to McMahon Contracting, LP in the amount of \$2,041,768.50 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works, reported on March 30, 2017, bids were received for Indian Trace Lane Reconstruction Phase 1 project. The project consists of reconstructing Indian Trace Lane from the Hwy 287 frontage road to Buffalo Creek Drive. The project includes reconstructing the existing asphalt roadway to a concrete roadway, storm drain improvements, channel improvements, new sanitary sewer lines and new water lines. Sidewalks and street lights will also be installed along the project limits. The contract time for the project is 210 calendar days.

Mr. Chambers stated four (4) bids were received with Circle H Contractors with low bid of \$1,195,742.14 and recommended awarding the bid to Circle H Contractors.

Councilmember Chuck Beatty moved to award the bid for Indian Trace Lane Reconstruction Phase 1 project in the amount \$1,195,742.14 as presented. Councilmember David Hill seconded, **All Ayes.**

Citizens' Petitions and Requests

Ms. Mira Turbeville, 106 Saddlebrook Estates, Waxahachie, presented a list of concerns she is experiencing in Saddlebrook Estates pertaining to accidents, power outages, signage on highway, and, internet and cable service.

Mr. Darren Jackson, 205 Clydesdale, Saddlebrook Estates, Waxahachie, expressed concern with the level of cable service in his area.

City Manager Paul Stevens stated he will review the list and talk to Mr. Doug Barnes about reaching out to Charter.

Mr. Whitt Wyatt, Nichols, Jackson, Dillard, Hager & Smith, LLP, 1800 Ross Tower, Dallas, stated he is available as Council deliberates City Attorney services.

Mr. Dan Gus, Attorney at Law, 209 E. Main St., Waxahachie stated he is available as Council deliberates City Attorney services.

Mayor Strength announced at 8:32 p.m. City Council will convene into Executive Session to discuss City Attorney services and review Performance Evaluation for City Manager as permitted by the Texas Government Code, Section 551.074.

City Council reconvened at 10:02 p.m.

Councilmember Mary Lou moved to authorize the City Manager to enter into a contract with Brown and Hofmeister for City Attorney Services. Councilmember David Hill seconded, **All Ayes.**

Mayor Pro Tem Mark Singleton moved to extend the City Manager's Employment Agreement for one additional year, expiring December 31, 2020. Councilmember Mary Lou Shipley seconded, **All Ayes.**

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

None

There being no further business, the meeting adjourned at: 10:11 p.m.

Respectfully submitted,

Lori Saunders
City Secretary