

City Council  
September 2, 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 2, 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 August 18, 2014
- b. Minutes of the City Council work session of August 18, 2014
- c. Minutes of the special City Council meeting of August 25, 2014
- d. Minutes of the City Council work session of August 25, 2014
- e. Minutes of the regular Planning & Zoning Commission meeting of August 27, 2014
- f. Approval water and wastewater treatment chemicals bid renewal
- g. Approval budget amendment requested by Utilities Department
- h. Approval Parade Route for the 19th Annual Texas Country Reporter Festival on Saturday, October 25, 2014
- i. Approval of TIRZ-related items

**Councilmember Chuck Beatty moved to approved Items a. through i. 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. She is the daughter of Jay and Monique Barksdale and is a senior at Waxahachie High School. Caroline is serving as the Student Body President and over the past 4 years she has participated in music, theater, Yearbook, Interact Club, Fellowship of Christian Athletes and Student Council. Caroline is a member of the Central Presbyterian Church. After graduation she plans to attend the University of Alabama and major in Business Marketing.

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City Manager Paul Stevens reported the Texas Comptroller of Public Accounts recognized the City as earning the 2014 Platinum Leadership Circle Award. The City is listed on the Comptroller's "Texas Transparency" website displaying the Platinum seal. Mr. Thanasis Kombos, Finance Department Budget Analyst, stated there are several sections that qualified the City as "Texas Transparency" with the obvious being the budget posted online. He stated Finance will reapply each year and hope to the award a tradition.

Mayor Strength presented the Texas Comptroller Leadership Circle Platinum Member Award to Finance Director Charles Harris, Assistant Finance Director Gail Turner, and Budget Analyst Thanasis Kombos.

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Wayne and Tammy Strickland, owners, College Street Pub, 210 N. College, Waxahachie, referenced the smoke-free Ordinance recently passed and stated over 8 years ago they prohibited smoking in their restaurant allowing it only on their patio area. Mr. Strickland stated, as a small business owner, the Ordinance will impact their business causing them to lose customers. He stated people have choices as to where they work and they don't have to work in a smoke filled restaurant. He asked council to consider allowing businesses to decide if they want to take that risk to smoke on the patio. Mr. Strickland asked Council to reconsider the 25 foot smoking rule and reduce to 15 feet.

**No action taken.**

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

Planning Director Clyde Melick reported the developer is waiting on service enhancements and asked the public hearing be continued to the City Council meeting of September 15, 2014.

**Mayor Pro Tem Mark Singleton moved to continue the Public Hearing to accept public comments and discuss the proposed creation of a Public Improvement District to the City Council meeting of September 15, 2014. Councilmember Chuck Beatty seconded, All Ayes.**

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Mayor Strength opened the second Public Hearing on the proposed Tax Rate for fiscal year 2014-2015.

City Manager Paul Stevens reported the tax rate of \$0.680000 per \$100 valuation is proposed and is the same as the preceding year's tax rate. The proposed Ordinance approving the tax rate will be presented at the Council meeting of September 15, 2014.

There being no others to speak for or against the proposed Tax Rate for fiscal year 2014-2015, Mayor Strength closed the public hearing.

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Mayor Strength opened the Public Hearing on the City of Waxahachie Budget for fiscal year 2014-2015.

Finance Director Charles Harris referenced the general fund reporting items mentioned at a previous Council workshop have been incorporated into the revised budget as well as the adjustment the city's commitment for one-half of the parking lot expense at the women's building. Water rate was increase by 2% and will eliminate the deficit in the water fund and have a small surplus of approximately \$53,000. Mr. Harris referenced the Refuse Fund and stated the city is slowly getting out of the garbage bag business by having one more year of distribution of garbage bags in mass on a selected day of give-a-way and approximately one more year of selling bags. Additional bags will not be ordered. The component of the water bill will be reduced and the expenses will be reduced due to no more purchases of garbage bags. He reported the Fire Department was budgeted this year for the purchase of defibrillators and due to difficulty ordering them the budget was moved to the 2014-2015 budget being the same amount.

The proposed budget for fiscal year 2014-2015 will be consider at the Council meeting of September 15, 2014.

There being no others to speak for or against the proposed budget for fiscal year 2014-2015, Mayor Strength closed the public hearing.

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Mayor Strength opened the Public Hearing on a request by Jim Markle, for a Specific Use Permit within a Commercial (C) Zoning District for temporary buildings located at 1761 N. Hwy. 77, being 68.0112 acres in H. Levy Survey Owner: The Avenue (ZA 2014-21).

Mr. Jim Markle, Executive Pastor, The Avenue Church, 210 YMCA Drive, reported the new buildings built will open soon and be filled to capacity. The temporary buildings will allow for classrooms for 4<sup>th</sup> and 5<sup>th</sup> grade until a new addition is built.

Councilmember David Hill confirmed the classroom is for Wednesday evening and Sunday activities. Mr. Markle concurred.

There being no others to speak for or against Zoning Amendment Request 2014-21, Mayor Strength closed the public hearing.

City Attorney Steve Chapman presented proposed Ordinance No. 2759

**ORDINANCE NO. 2759**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PART  
OF A TRACT OF 68.0112 ACRES OF LAND IN THE CITY OF**

**WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 1761 N. HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED COMMERCIAL (C) TO COMMERCIAL WITH SPECIFIC USE PERMIT (C w/SUP), FOR THE PURPOSE OF ALLOWING TEMPORARY BUILDINGS AT THE LOCATION SHOWN ON EXHIBIT “A” ATTACHED HERETO, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember David Hill moved to approve Ordinance No. 27589 as presented.** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Mr. David Maliska, 5715 FM 1722, Ennis, Texas requested approval of Final Plat of Lot 1R in Block 28 Williams Addition being a Replat of a 0.3661 acre portion of Block 28 of Williams Addition-Owner: Yeldell Wilson & Co. (RP 2014-26). He reported the Planning and Zoning Commission requested the front building line be the average of all residential building plane’s along the south side of Sycamore Street and explained he concurred.

**Mayor Pro Tem Mark Singleton moved to approve Final Plat of Lot 1R in Block 28 Williams Addition being a Replat of a 0.3661 acre portion of Block 28 of Williams Addition-Owner: Yeldell Wilson & Co. (RP 2014-26) as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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Mr. Abdi Yassin, MuniCap, Inc., 1825 W. Walnut Hill Lane, Dallas, Texas, presented the Annual Service Update on the Waxahachie Public Improvement District No. 1. He explained the update explained 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 for 2014-2015 totals \$130,957.45.

**Mayor Pro Tem Mark Singleton moved to accept the Annual Service Plan Update including the collection of the 2014-2015 Annual Installment for the Waxahachie Public Improvements District No. 1.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Convention and Visitor’s Bureau Director Laurie Mosley and Cindy Dolezal, Tuscan Slice, requested approval of an outdoor beer and wine garden, to be held on Saturday, October 11, from 2:00 p.m. to 8:00p.m. in the parking lot that runs between Rogers and College Streets, with only the College Street side in use. Ms. Mosely explained the outdoor garden is part of the upcoming Crossroads of Texas Film Festival. Ms. Dolezal stated Tuscan Slice will carry the TABC permit for the beer and wine garden.

**Councilmember Chuck Beatty moved to approve the outdoor beer and wine garden as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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City Manager Paul Stevens stated Progressive Waste Solutions recently submitted a request to adjust the rates for services outlined in the agreement between IESI TX Corp. and the City of Waxahachie by 1.82% to be effective October 1, 2014. He explained the request is due June 30<sup>th</sup> of each year in order to allow time for Council's consideration.

**After discussion with Progressive Waste Solutions representative, Mayor Pro Tem Mark Singleton moved to approve the rate as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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City Manager Paul Stevens presented an Interlocal Cooperative Contract with Ellis County for maintenance of roads, bridges, waterways and ditches and explained the City enters into the agreement yearly. The terms of this agreement is from October 1, 2014 to September 30, 2015.

**Councilmember Mary Lou Shipley moved to approve the Interlocal Cooperative Contract between the City of Waxahachie and Ellis County as presented.** Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength announced at 7:43 p.m. the Council will convene into Executive Session to review Employment Agreement with Assistant City Manager as permitted by the Texas Government Code, Section 551.074.

Council reconvened at 8:02 p.m.

**Mayor Pro Tem Mark Singleton moved to approve Employment Agreement between the Assistant City Manager and City of Waxahachie.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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**CITIZENS' PETITIONS AND REQUEST**

Ms. Rose Spain, 1411 MLK Blvd., Waxahachie, stated she is concerned about large tree limbs from her neighbor falling on her fence and asked if the city can make her neighbor trim their trees. City Manager Paul Stevens stated the city is now allowed to trim trees on private property unless it is in the right-of-way. City Attorney Steve Chapman stated city does not have the right to enter onto private property.

Convention and Visitors Bureau Director Laurie Mosley announced this weekend is the Dale Hansen Football Classic at Lumpkins Stadium; Reverend Baker is hosting the North West Annual AME Church Conference this week at the Waxahachie Bible Church; and the Texas Country Reporter Festival will be held Saturday, October 25, 2014 downtown.

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

Councilmember Mary Lou Shipley thanked Honorary Councilmember Caroline Barksdale for her participation.

Councilmember Chuck Beatty thanked Ms. Barksdale for her attendance.

City Manager Paul Stevens announced other October events downtown include the Lions Club Mini Grand Prix, Saturday, October 3-4 and the Legacy Run. He stated he's known Ms. Barksdale since she was very young and noted how proud he is of her.

Mayor Strength thanked Ms. Barksdale for her participation and commended City Staff of the "Texas Transparency" recognition.

Mayor Pro Tem Mark Singleton stated there are a lot of moving parts to city government with lots of detail. He reported he noticed someone power washing the courthouse on Labor Day standing on a 20-30 foot scaffold and wondered why it was being power washed. He stated he will contact Judge Carroll. He referenced Mr. Strickland's request for Council to reconsider the smoke-free Ordinance as it relates to outdoor venues and distance. He stated smoking is now prohibited inside a facility and that is what we were after. He stated we have a responsible business person that we have negatively impacted and noted Council needs to go back and reconsider the ordinance as it relates to outdoor venues. He referenced the Comprehensive Plan as it was discussed at the work session prior to the Council meeting and encouraged the honorary councilmember and others to attend the work sessions and get involved.

Councilmember David Hill thanked Ms. Barksdale for her attendance. He referenced the smoke-free Ordinance stating it's difficult to make a decision and go back and rehash it. He stated smoke has no boundary's, regardless of 25, 15, or 10 feet smoking bans from buildings. He stated he smoked for years and the year he quit, 438,000 people died from smoking cigarettes. Councilmember Hill stated last year 55,000 people died from second hand smoke noted he didn't know their profession, but the fact is it killed them. The distance doesn't make any difference when you are dead. He reported 90% of how we live is regulated and the 10% freedom we have at our house, 90% is regulated. Councilman Hill stated having a smoke-free environment for everyone just seems right.

City Secretary Lori Saunders wished Mayor Strength a happy birthday.

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There being no further business the meeting adjourned at 8:20 p.m.

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Respectfully submitted,

Lori Saunders  
City Secretary