

City Council
January 19, 2010

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, January 19, 2010, at 7:00 p.m.

Council Members Present: Ron Wilkinson, Mayor
N.B. (Buck) Jordan, Mayor Pro Tem
Chuck Beatty, Councilman
Joe Jenkins, Councilman
John Wray, Councilman

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

Mayor Ron Wilkinson called the meeting to order and Councilman John Wray gave the invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of January 4, 2010
- b. Minutes of the Firemen's Relief & Retirement Fund meeting of January 11, 2010
- c. Minutes of the Planning and Zoning Commission meeting of January 13, 2010
- d. Minutes of the Heritage Preservation Commission meeting of December 10, 2009
- e. Monthly Violation Activity Statistics report of December 2009
- f. Monthly Crime Report for December 2009
- g. Monthly Building Report for December 2009
- h. Renewal of Taxi Cab license for Raymond Paige (Ellis County Taxi)

Councilman Chuck Beatty moved to approve Items a. through h. on the Consent Agenda.
Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

Mr. Wayne Strickland, College Street Pub, requested approval to hold their 7th Annual Mardi Gras Parade on Saturday, February 13, 2010. He reported the parade floats will assemble in Singleton Plaza, turn left onto North Rogers Street and proceed North on Rogers crossing Main Street. The parade will then go left (East) on West Jefferson until reaching South College. The procession will then turn left onto South College and proceed north crossing Main Street and ending at Singleton Plaza. Mr. Strickland requested the following special items and noted they are the same request as years past:

- 1. Traffic support/control through Main Street at the intersections of College and Rogers Streets.

2. The City furnish portable restroom facilities on Water Street between Rogers Street and College Street.
3. City to allow the use of AC outlets located at the corner of Water and College for the purpose of providing power to the bandstand.
4. The City to provide barricades at North College and North Rogers to block off Water Street from 11:00 a.m. until 5:00 p.m.

Councilman Joe Jenkins moved to approve the request by Wayne Strickland, College Street Pub, to hold their 7th Annual Mardi Gras Parade to be held on Saturday, February 13, 2010 at 3:00 p.m. and approve the special items as requested above. Councilman John Wray seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-37: Request by Jose Padron, for a Site Plan approval within a Planned Development – General Retail Zoning District for a tortilleria (homemade tortillas) and a bakery to be located at 112 West Marvin Avenue, being Lot 4, Block 113, Original Town Addition– Owner: Agnes L. Eubank Trust #1.

Mr. Graham Sparrow, High View Realtors, representing Mr. Jose Padron requested site plan approval for a tortilleria and a bakery.

Mr. Collin Eubank, property owner, reported there is an existing tortilleria and bakery in Midlothian and noted the business will be an asset to Waxahachie.

Planning Director Clyde Melick reported to location was a former dry cleaner and noted the Applicant has adhered to all Staff Comments and recommended approval.

There being no others to speak for or against Zoning Amendment Request no. 2009-37, Mayor Ron Wilkinson closed the Public Hearing.

Councilman John Wray moved to approve Zoning Amendment Request No. 2009-37: Request by Jose Padron, for a Site Plan approval within a Planned Development – General Retail Zoning District for a tortilleria (homemade tortillas) and a bakery to be located at 112 West Marvin Avenue, being Lot 4, Block 113, Original Town Addition– Owner: Agnes L. Eubank Trust #1, subject to Staff Comments. Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-38: Request by Jonathan Hake for a Site Plan approval within a Planned Development-Commercial (PD-C) Zoning District for light automotive repair to be located on the north side of US 287 West of US 77, being 1.45 acres, Lot 4, Block A, RVG Plaza- Owner: Starplex Park, L.P.

Mr. Robert Vann, Main & Main Development Group, 1212 Corporate Drive, Irving, Texas, presented an architectural rendering of Christian Brothers Automotive noting it is approximately

5,000 square feet with an office area, public restrooms, waiting area and nine (9) bays. He reported the exterior will have Salado cut stone four feet (4') up the building and the remainder will be masonry with a hunter green gable roof. There will be no storage tank underground, no storage of tires and no welding. Mr. Vann reported the Planning and Zoning Commission limited the Applicant to a monument sign and would not allow for a pole sign. He requested the option to install a pole sign if the Applicant has the need for one.

Planning Director Clyde Melick reported in the site plan the pole sign is one (1') foot from the side property line and the zoning ordinance requires a ten (10') foot setback. He noted a pole sign placed behind Hunter's Cove monument sign would not be appealing. Mr. Melick noted the Planning and Zoning Commission suggested the Applicant move their monument sign to the western side of the property.

After further discussion, Mayor Ron Wilkinson asked Mr. Vann if the Applicant would be pleased with a pole sign on the west side of the property. Mr. Vann noted they would and Mr. Melick noted that would be a fair compromise.

Councilman Joe Jenkins asked Mr. Melick why the wall signage is in excess of the zoning ordinance requirements. Mr. Melick explained it is allowed because it is in keeping with the size of the building.

There being no others to speak for or against Zoning Amendment Request No. 2009-38, Mayor Ron Wilkinson closed the Public Hearing.

Councilman Joe Jenkins moved to approve on Zoning Amendment Request No. 2009-38: Request by Jonathan Hake for a Site Plan approval within a Planned Development-Commercial (PD-C) Zoning District for light automotive repair to be located on the north side of US 287 West of US 77, being 1.45 acres, Lot 4, Block A, RVG Plaza- Owner: Starplex Park, L.P., subject to staff comments, providing a pole sign be allowed to be placed forty-five (45') feet west of the existing Hunter's Cove monument sign. Councilman John Wray seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on a request from Jonathan Hake, Cross Engineering for a Replat of Lots 4R-A and 4R-B, Block A, RVG Plaza being a Replat of Lot 4, Block A, RVG Plaza situated in the Robert Parks Survey, Abstract No. 851, located north on US Hwy. 287 Bypass between Hwy. 77 North and I-35E- Owner: Starplex Park, L.P. (RP2009-25).

Mr. Robert Vann, Main & Main Development Group, 1212 Corporate Drive, Irving, Texas, requested to replat one lot into two lots due to large size.

Planning Director Clyde Melick noted the Planning and Zoning Commission recommended approval as well as City Staff.

There being no others to speak for or against Replat 2009-25, Mayor Ron Wilkinson closed the Public Hearing.

Councilman Chuck Beatty moved to approve a request from Jonathan Hake, Cross Engineering for a Replat of Lots 4R-A and 4R-B, Block A, RVG Plaza being a Replat of Lot 4, Block A, RVG Plaza situated in the Robert Parks Survey, Abstract No. 851, located north on US Hwy. 287 Bypass between Hwy. 77 North and I-35E- Owner: Starplex Park, L.P. (RP2009-25), subject to Staff Comments. Mayor Pro Tem Buck Jordan seconded, All Ayes.

City Manager Paul Stevens reported at the last two City Council meetings, discussion was held on the re-naming of Parks School house Road. He noted City Staff re-reviewed the options and does not have any further options to present and recommended "Option C" that will provide for the extent of the new street to be named Parks School House Road and would extend the naming of Peters Street to the east where it meets the new road.

Councilman John Wray noted the City will automatically update the water and sewer billing and Oncor will automatically update the inconvenienced addresses.

Police Chief Chuck Edge reported he has requested to the Department of Public Safety (DPS) that they waive the \$10 change of address fee to the residents affected and is waiting on approval of DPS authorities.

Those who spoke against re-naming Parks School House Road:

Mr. Ronald Livingston, 308 Parks School House Road

Mayor Ron Wilkinson asked Mr. Stevens if there are social services available to assist the residents with address changes, especially assistance to the senior citizens. Mr. Stevens noted City Staff will explore what assistance is available to help the citizens.

After further discussion, Councilman John Wray moved to approve Option C re-naming the streets as presented in Ordinance No. 2553.

ORDINANCE NO. 2553

AN ORDINANCE NAMING A NEW EXTENSION OF PARKS SCHOOL HOUSE ROAD IN WAXAHACHIE, TEXAS, AND RENAMING A PART OF THE EXISTING PARKS SCHOOL HOUSE ROAD TO "PETERS STREET" AND DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

The vote was as follows:

Ayes: Ron Wilkinson
Buck Jordan
Joe Jenkins
John Wray

Noes: Chuck Beatty

The motion carried.

Public Works Director Jeff Chambers asked the Council to consider the installation of all-way stops at the two intersections of Broadhead Road and the 287 Bypass Service Roads. He reported the intersections have shown that they are experiencing significant congestion, and since these intersections are in TxDot's right-of-way, Staff submitted a request to TxDot for this work. Mr. Chambers reported TxDot reviewed Staff's request and granted their approval.

Councilman Joe Jenkins moved to approve installation of all-way stops at Broadhead Road and Highway 287 Bypass Service Roads. Councilman Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens reported the City received notice that the City had been awarded a grant under the Homebuyer Assistance Program to help homebuyers with closing costs when purchasing a new home, and as part of the program, the City must hire a consultant to implement this program. He announced the City advertised for Request for Proposals for this service and received a response from Hunter & Hunter Consultants, Inc., to provide this assistance. Mr. Stevens noted Mr. Michael Hunter is well versed in this program and is highly qualified to provide the service and recommended the approval of the contract with Hunter & Hunter Consultants, Inc. to serve as grant manager of this program.

Mayor Pro Tem Buck Jordan moved to award the contract to Hunter & Hunter Consultants, Inc. as grant manager for the Homebuyer Assistance Program. Councilman Chuck Beatty seconded, **All Ayes.**

Assistant City Manager Michael Scott distributed Council a permit application for motion picture/television filming and introduced Mr. Raymond Cantrell with Cranium Entertainment.

Mr. Raymond Cantrell reported the name of the film is "Mangus", a PG rated teen comedy. He reported the proposed dates for filming is Friday, January 29th and Sunday, January 31st. He explained on Friday, January 29th, they would like to close the intersection of Jefferson Street and Rogers Street during a nighttime shot. On Sunday, January 31st, a parade shot will be shot early in the morning. Mr. Cantrell noted he spoke to Assistant Police Chief Bret Colston and agreed to three (3) off duty police security at these events. Five scenes will be filmed within the City.

Assistant City Manager Michael Scott suggested to Mr. Cantrell to contact TxDot while filming on Main Street for possible street closure.

City Manager Paul Stevens asked Mr. Cantrell to coordinate with the Ellis County Sherriff's Department.

Councilman John Wray moved to approve the film permit for "Mangus". Councilman Joe Jenkins seconded, **All Ayes.**

Police Chief Chuck Edge reported the Police Department has been notified that they are eligible to receive \$54,499 in federal grant funds and would like to utilize the funds in advancing the communication system. The funds will provide communications to Waxahachie Police Department, Fire Department and Public Works as well as interoperability with the local and surrounding agencies that may be on alternative frequency bands. Chief Edge reported the current contract with ETMC calls for an annual payment of over \$32,000, plus 5% increase each year and explained the grant will assist in eventually being able to sever the dependency on ETMC and not have the increasing payments. Chief Edge noted the cost incurred above the grant can be met with funds from the federal or state seizures accounts.

Mayor Pro Tem Buck Jordan moved to approve the Police Department apply for grant funds to advance the communications system to the Police, Fire and Public Works Departments. Councilman Joe Jenkins seconded, **All Ayes.**

City Manager Paul Stevens reported prior to the construction of the new Senior Center and the City taking over the operations, there was a Board of Directors that oversaw the Center. Now that the Senior Center is part of the City, the Board would be kept as an Advisory Committee and serve in the capacity as other Boards and Commissions. Mr. Stevens presented Ordinance No. 2554:

ORDINANCE NO. 2554

AN ORDINANCE CREATING A SENIOR CENTER ADVISORY COMMITTEE FOR THE CITY OF WAXAHACHIE, TEXAS, AND SETTING THE NUMBER OF MEMBERS, TERM OF OFFICE, AND POWERS THEREOF, AND DECLARING AN EMERGENCY.

Councilman Chuck Beatty moved approval of Ordinance No. 2554 as presented. Councilman John Wray seconded, **All Ayes.**

Assistant City Manager Michael Scott presented Resolution No. 1135 and explained it approves the participation in the TxDot Terminal Renovation Program for Mid-Way Regional Airport. Mr. Scott reported that TxDot has awarded Mid-Way Regional Airport up to \$500,000 for the implementation of the terminal renovation. The Resolution guarantees that 50% of the project costs will be borne locally between Waxahachie and Midlothian. Mr. Scott noted the three year

program has capacity for up to one million dollars, current project cost estimates are just under \$800,000 making Waxahachie's total participation \$200,000. Additionally, funds that have already been allocated can be made available for the local match portion the first two years. The third year would require funding from the Cities in the anticipated sum of \$75,000.

Councilman John Wray asked if restaurant space will be available for rental. Airport Manager, Andy Biery reported the entire building will be under rental and will be up for review.

Mayor Ron Wilkinson asked where the City's \$75,000 will come from and Mr. Paul Stevens noted it will come out of the General Fund. Mayor Wilkinson confirmed that in the next fiscal year the City of Waxahachie will not have to pay out monies toward the airport and Mr. Stevens conferred.

RESOLUTION NO. 1135

A RESOLUTION AUTHORIZING CITY MANAGER, PAUL STEVENS, TO EXECUTE ON BEHALF OF THE CITY OF WAXAHACHIE, AT THE APPROPRIATE TIME, AND WITH THE APPROPRIATE AUTHORIZATIONS OF THIS GOVERNING BODY, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE TERMINAL RENOVATION IMPROVEMENTS AT MIDWAY REGIONAL AIRPORT.

WHEREAS, the City of Midlothian and City of Waxahachie intend to make certain improvements to the Midway Regional Airport; and

WHEREAS, the general description of the project is described as: Terminal Building Renovation; and

WHEREAS, the City of Midlothian and City of Waxahachie intend to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, the City of Midlothian and City of Waxahachie will be responsible for 50% of the total project cost up to \$1,000,000 (\$250,000 from each City).

WHEREAS, the City of Midlothian and City of Waxahachie name the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT: The City of Waxahachie hereby designates and authorizes City Manager, Paul Stevens, to execute on behalf of the City of Waxahachie, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Terminal Renovation improvements at Midway Regional Airport.

Councilman Chuck Beatty moved to approve Resolution No. 1135 as presented. Councilman Joe Jenkins seconded, *All Ayes.*

CITIZENS' PETITIONS AND REQUESTS

Chamber of Commerce President, Debra Wakeland noted the Texas Highways magazine had an article about the upcoming Gingerbread House Chili cook-off scheduled for February 5th through February 7th. She announced the Chamber of Commerce Banquet is February 25th and the theme is "Academy Award"

Ms. Debbi DeMont local Photographer, presented the City Council a photo of the ground breaking of the Mid-Way Airport runway expansion project.

Mr. Ronald Livingston asked what the time frame is on changing Parks School House Road to Peters. Fire Chief David Hudgins noted the 911 directory will take three to five days to get them in the system. Public Works Director Jeff Chambers reported it will take approximately thirty days to coordinate with TxDot and get signs in place. City Manager Paul Stevens noted the City will put a package together and send it to the residents.

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

Councilman Chuck Beatty announced the Martin Luther King parade and celebration was very successful.

City Manager Paul Stevens announced the City received \$85,000 in stimulus funds and hopefully save the City \$50,000 in energy efficient uses. He noted Economic Development Director Doug Barnes has worked diligently on this project.

There being no further business, the meeting adjourned at 8:59 p.m.

Respectfully submitted,

Lori Saunders
City Secretary