

City Council  
February 1, 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 Monday, February 1, 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

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

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of January 19, 2010
- b. Minutes of the City Council work session of January 19, 2010
- c. Minutes of the special City Council meeting of January 25, 2010
- d. Minutes of the Planning and Zoning Commission meeting of January 27, 2010
- e. Racial Profile Report from 1/1/09 to 12/31/09
- f. Award of bid for the city vehicle wrecker service

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

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Mr. Paul Hernandez, Area Manager for Oncor Electric Delivery, presented the City with a check in the amount of \$3,064.12 for participating in the "Take a Load Off, Texas" program for incorporating high efficiency lighting and air conditioning systems at the Senior Center. Mr. Hernandez explained the program is to help cities to find and secure efficiencies in new facilities as well as existing facilities.

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Councilman Joe Jenkins introduced Mr. Kirk Lipscomb as the Honorary Councilmember for the month of February. Mr. Lipscomb grew up in Louisiana and graduated from LSU Medical School in 1966 and finished training in Cardiology in 1973 at the University of Washington in Seattle. In 1973 Mr. Lipscomb came to Dallas on the faculty at Southwestern Medical School and in 1983 entered private practice of invasive cardiology at Methodist Medical Center. He was named as "one of the best doctors in Dallas" by D Magazine. Mr. Lipscomb was President of the medical staff at Methodist Hospital in 1999; Chairman of the Corporate Medical Board of Methodist Hospitals of Dallas in 2000. He moved to Waxahachie in 1999 and retired from practice in 2004. Mr. Lipscomb and his wife Denice own Common Threads in Waxahachie. They have five children and nine grandchildren.

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Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-39: Request by Wellshire Financial dba Lone Star, for a Site Plan approval within a Planned Development-20-General Retail (PD-20-GR) Zoning District for a financial office to be located at 401 N. U.S. Hwy. 77, being 6.768 acres, WM Baskins Survey, Abstract No. A-148 and J. Johnson Survey, Abstract No. A-559—Owner: Windward Partners X, LLP.

Mr. Patrick Christensen, 112 E. Pecan, Suite 1360, San Antonio, Texas, representing the Applicant, requested Site Plan approval for a financial office. He noted, per city code, a muted

color is required and presented samples of a red roof for consideration and explained the color presented is in keeping with the finance company's trademark.

Planning Director Clyde Melick reported the Planning and Zoning Commission had a concern with the red roof facing Highway 77 and explained a muted color is defined as toned down and is up to the discretion of City Staff.

There being no others to speak for or against Zoning Amendment Request No. 2009-39, Mayor Ron Wilkinson closed the Public Hearing.

**After further discussion, Councilman Joe Jenkins moved to approve Zoning Amendment Request No. 2009-39: Request by Wellshire Financial dba Lone Star, for a Site Plan approval within a Planned Development-20-General Retail (PD-20-GR) Zoning District for a financial office to be located at 401 N. U.S. Hwy. 77, being 6.768 acres, WM Baskins Survey, Abstract No. A-148 and J. Johnson Survey, Abstract No. A-559—Owner: Windward Partners X, LLP.** Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

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Planning Director Clyde Melick announced the Public Hearing on Zoning Amendment Request No. 2009-40: Request by Ellis County Coalition for Health Options dba Hope Clinic for a Specific Use Permit within a Commercial (C) Zoning District for a modular building to expand services to include dental and mental health to be located at 417 E. Jefferson St., being 0.388 acres, Lot 1A, Block 107, Town Addition—Owner: Ellis County Coalition for Health Options dba Hope Clinic was removed from the Planning and Zoning meeting of January 27, 2010 and will be presented to the Commission on February 10, 2010 and presented at the City Council meeting on February 15, 2010.

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City Manager Paul Stevens presented Ordinance No. 2555 updating the Heritage Preservation Commission with their duties to the tax incentives and exemptions. He explained, as the current ordinance is written, the Ellis County Appraisal District approves the tax incentives and by amending Section 24-58, Paragraph (H), it will reflect that Ellis County Appraisal District will apply the tax exemptions and the Ellis County Tax Office will apply tax incentives upon an approved request.

Councilman Joe Jenkins asked if the City Council sets the tax incentive fees or if it's the Heritage Preservation Commission. Mr. Stevens explained the Ordinance sets the rates, which was approved by City Council and the Heritage Preservation sets the guidelines set forth in the Ordinance. He noted only Section 24-58 (H) is amended.

**ORDINANCE NO. 2555**

**AN ORDINANCE AMENDING SECTION 24-58, PARAGRAPH (H), OF THE CODE OF ORDINANCES, OF THE CITY OF WAXAHACHIE, CONCERNING TAX INCENTIVE APPLICATIONS AND APPROVAL, AND DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.**

**After a brief discussion, Councilman John Wray moved to approve Ordinance No. 2555 as presented.** Councilman Chuck Beatty seconded, **All Ayes.**

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Finance Director Charles Harris presented Ordinance No. 2556 amending the Water and Wastewater Fees and explained the volume and monthly rate were all increased by 3.5% with very little change on the wastewater side. He noted the rates do not generate funds to offset expenditures and the City expects to meet the mark in the next four (4) years.

Mayor Wilkinson clarified in fiscal year 2009-2010 the water rate is increased 3.5% and for fiscal years thereafter. Mr. Harris replied the premise is 3.5% increase the next four (4) years. Mayor Wilkinson asked what the deficit will be for the current year and Mr. Harris replied the water fund will have a balanced budget including the transfers which will be 1.2 million from wastewater fund and \$800,000 from surplus bonds. City Manager Paul Stevens noted the plan is

to be balanced in year three.

**ORDINANCE NO. 2556**

**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 FEBRUARY 1<sup>ST</sup>, 2010 AND DECLARING AN EMERGENCY.**

**Councilman Joe Jenkins moved to approve Ordinance No. 2556 as presented.** Councilman Chuck Beatty seconded, **All Ayes.**

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Finance Director Charles Harris presented Ordinance No. 2557 adopting the Water and Wastewater budget for fiscal year 2009-2010. He noted the transfer of wastewater and water bond fund totals approximately \$2,000,000. The water fund will absorb the financial operations of the Water District and wholesale revenues are budgeted as revenues in the water fund where in the past have been budgeted in the Water District. Revenues are much smaller because the largest wholesale customer is now our partner in the water business being Rockett Utility.

**ORDINANCE NO. 2557**

**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, 2009 (Retroactively) AND ENDING SEPTEMBER 30, 2010 AND DECLARING AN EMERGENCY.**

**After further discussion, Councilman Chuck Beatty moved to approve Ordinance No. 2557 as presented.** Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

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Finance Director Charles Harris presented Ordinance No. 2558 and reported this will be the first time City Council will consider the water rate for the Robert W. Sokoll Water Treatment Plant. He explained the rate equals the operating budget divided by the amount of gallons the city will sell to Rockett Utility. Based upon the Anticipated Average Daily Use for the 2010 fiscal year, the rate is established as \$1.46 per thousand gallons.

**ORDINANCE NO. 2558**

**AN ORDINANCE ESTABLISHING THE RATE TO BE CHARGED FOR TREATED WATER PROVIDED BY THE ROBERT W. SOKOLL WATER TREATMENT PLANT, AND SETTING AN EFFECTIVE DATE OF FEBRUARY 1<sup>ST</sup>, 2010 AND DECLARING AN EMERGENCY.**

**Councilman Joe Jenkins moved to approve Ordinance No. 2558 as presented.** Councilman John Wray seconded, **All Ayes.**

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Finance Director Charles Harris presented Ordinance No. 2559 and reported this will be the first operating budget for the Sokoll Water Treatment Plant. He explained the Debt Service is a fixed amount of \$3,372,444. Other expenses are the operation, maintenance and construction of the water system. Total expenses equal \$5,372,195.

**ORDINANCE NO. 2559**

**AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2009 (Retroactively) AND ENDING SEPTEMBER 30, 2010 AND DECLARING AN EMERGENCY.**

**Councilman John Wray moved to approve Ordinance No. 2559 as presented.** Councilman Joe Jenkins seconded, **All Ayes.**

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City Secretary Lori Saunders presented Ordinance No. 2560 providing for the election to be held on May 8, 2010 to elect three (3) City Council members.

**ORDINANCE NO. 2560**

**AN ORDINANCE PROVIDING FOR THE ELECTION TO BE HELD TO ELECT THREE CITY COUNCIL MEMBERS; DESIGNATING THE ELECTION JUDGE AND PROVIDING FOR CLERICAL PERSONNEL; PROVIDING FOR A JOINT ELECTION WITH THE WAXAHACHIE INDEPENDENT SCHOOL DISTRICT; DESIGNATING THE TIME AND PLACE OF SAID ELECTION; AND DECLARING AN EMERGENCY.**

**Mayor Pro Tem Buck Jordan moved to approve Ordinance No. 2560 as presented.**  
Councilman Chuck Beatty seconded, **All Ayes.**

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City Secretary Lori Saunders presented Resolution No. 1137 approving a Joint Election Agreement with the Waxahachie Independent School District. She noted the joint election will be held on Saturday, May 8, 2010 at Marvin Elementary School.

**RESOLUTION NO. 1137**

***JOINT ELECTION WITH WAXAHACHIE INDEPENDENT SCHOOL DISTRICT***

**WHEREAS**, Sec. 11.0581 of the Texas Education Code requires School Districts to hold their Board of Trustees Elections on the same day and jointly with:

1. The election for the members of the governing body of a municipality located in the School District; or
2. The general election for State and County officers;

**WHEREAS**, the City of Waxahachie ("City") and the Waxahachie Independent School District ("School District") anticipate holding an election on May 8, 2010;

**WHEREAS**, the City has expressed its willingness to hold its election jointly with the School District;

**WHEREAS**, Section 11.0581(c) requires that the voters of a joint election held under Sec. 11.0581 of the Texas Education Code be served by common polling places consistent with Section 271.003(b) of the Election Code;

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

**THAT** the City of Waxahachie agrees to hold its May 8, 2010 and all of its future elections jointly with the Waxahachie Independent School District under the terms of the attached Joint Election Agreement, which is incorporated by reference for approval purposes, and that the Mayor of the City of Waxahachie is authorized to execute this Agreement.

**THAT** the Waxahachie Independent School District current election day polling place at the cafeteria of Marvin Elementary School, 110 Brown Street in Waxahachie, serve as the common polling location for the City's joint elections with the Waxahachie Independent School District.

**Mayor Pro Tem Buck Jordan moved to approve Resolution No. 1137 as presented.**  
Councilman John Wray seconded, **All Ayes.**

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Councilman Chuck Beatty reported last year a group of individuals got together and looked at ways to make housing in Waxahachie. He noted lots throughout the city that have been seized due to non-payment of taxes and are now setting empty because of interest to the group to

provide for housing for low income families. Councilman Beatty reported a Neighborhood Vitalization Corporation was formed, three (3) Board of Directors were appointed and a Mission Statement stating "The Neighborhood Vitalization Corporation has been formed and incorporated as a nonprofit entity to provide housing for low and moderate income families that live in Ellis County, and in particular the City of Waxahachie." The Board's immediate goal is to obtain a CHDO Developer Certification. Councilman Beatty introduced the Board of Directors: Ms. Barbara Turner, Ms. Pamela Spooner and Mr. Tony Martin.

Ms. Barbara Turner reported the Board will apply for certification and are still developing a structure to meet all the state qualifications. She noted the Board hopes to develop and cultivate a relationship with the City.

Ms. Pamela Spooner noted the Board is in the beginning stages and are waiting to become a 5013C non-profit organization.

Mr. Tony Martin noted the goal is to build some workforce housing and improve existing housing. They hope to generate funds to improve the living standards and create jobs.

Councilman Beatty noted for every house to build, it will employ approximately fourteen (14) people.

Mr. Stevens noted Councilman Beatty has headed this organization and they have met and felt this will be very good for the residents of Waxahachie.

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City Manager Paul Stevens reported on a meeting he and Mayor Wilkinson had with the Army Corps of Engineers regarding repayment of stimulus funds for Lake Bardwell improvements. He noted other cities represented were Ennis and Corsicana. Mr. Stevens explained that originally, the repayment of the funds were due within one year and at the meeting it was agreed that a long term payment plan could be worked out. Mayor Wilkinson noted the cities are still looking to have the repayment waived. He explained it is not Congress's intent to repay the stimulus funds which is a contract and the cities did not think they would have to repay due to stimulus funds. He noted there will be more meetings in hopes to getting the issue resolved.

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#### **CITIZENS' PETITIONS AND REQUESTS**

Chamber of Commerce President, Debra Wakeland announced Atmos, located at 901 Ferris, will have their grand opening on Tuesday, February 2, 2010 at 10:30 a.m.; The Chamber of Commerce networking Lunch Bunch will be held at Fat Daddy's Wednesday, February 3<sup>rd</sup> from 11:30 a.m. to 1:00 p.m.; D.E.A.R. is February 5<sup>th</sup>; Chili Cook-off is February 6<sup>th</sup> and 7<sup>th</sup> to raise money for the Children's Advocacy Center.

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

Councilman Chuck Beatty noted he looks forward to working with the Neighborhood Vitalization Corporation and thanked them for all their work.

Councilman Joe Jenkins thanked Mr. Kirk Lipscomb for his attendance as Honorary Councilmember.

Community Relations Manager Amy Hollywood announced the new Parks School House Road is scheduled for a dedication on March 11, 2010 and the new Broadhead Road is scheduled for a dedication on March 18, 2010.

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Mayor Ron Wilkinson announced at 8:35 p.m. the City Council would convene into Executive Session to:

- a. Hear update on Pending or contemplated litigation/consultation with Attorney in regard to billboard advertising case as permitted by *Texas Government Code, Section 551.071*
- b. Review Performance Evaluation for City Manager as permitted by the *Texas Government Code, Section 551.074*

The meeting reconvened at 8:54 p.m.

*Councilman John Wray moved to extend the City Manager's Employment Agreement for one additional year extending it through the year 2012.* Councilman Joe Jenkins seconded, *All Ayes.*

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

Respectfully submitted,

Lori Saunders  
City Secretary