

City Council
February 15, 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 15, 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 February 1, 2010
- b. Minutes of the Heritage Preservation Commission meeting of January 14, 2010
- c. Minutes of the Mid-Way Regional Board meeting of December 1, 2009
- d. Minutes of the Cemetery Board meeting of February 4, 2010
- e. Minutes of the Park Board meeting of February 4, 2010
- f. Minutes of the Waxahachie Community Development Corporation meeting of February 9, 2010
- g. Minutes of the Planning and Zoning Commission meeting of February 10, 2010
- h. Monthly Fire and EMS Report for December 2009
- i. Monthly Building Report for January 2010
- j. Monthly Violation Activity Statistics for January 2010
- k. Monthly Crime Report for January 2010
- l. Monthly Code Enforcement Report for January 2010
- m. Nicholas P. Sims Library Report for January 2010

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

Councilman Joe Jenkins introduced Mr. Kirk Lipscomb as Honorary Councilmember for the Month of February. He presented Mr. Lipscomb a Certificate of Appreciation for participating in the City Council Honorary Councilmember program.

Mr. Cory Lucas, Freedom Fellowship International, requested use of Getzendaner Park for the 3rd Annual City-wide Easter Egg Hunt to be held on Saturday, April 3, 2010. He reported last year there were 20,000 eggs, approximately 2,000 in attendance, 200 workers and \$1,000 in give-a-ways.

Mayor Pro Tem Buck Jordan moved to approve use of Getzendaner Park for a City-wide Easter Egg Hunt. Councilman Chuck Beatty seconded, **All Ayes.**

Mr. Richard Hobart, representing the Waxahachie Lions Club, requested street closures for the 8th Annual Lions Club Mini Grand Prix race to be held on Friday, May 14, 2010 and Saturday, May 15, 2010. He requested the same street closures as in the past being intersections of Main and Rogers Streets, Main and South College Streets and Franklin and Jefferson Streets. Mr. Hobart noted last year they made over \$12,000 and contributed over \$5,000 to scholarships to the Waxahachie High School and Navarro College.

Councilman Joe Jenkins moved to approve the Waxahachie Lions Club 8th Annual Mini Grand Prix Race as presented. Councilman John Wray seconded, **All Ayes.**

Mayor Ron Wilkinson read and presented a Proclamation to Waxahachie Lions Club members in celebration of their 85th anniversary.

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-40: Request by Ellis County Coalition for Health Options dba Hope Clinic for a zoning change approval from Office to Planned Development – Office 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.

Mr. Jeff Kosoris, Hope Clinic Board President and General Director, requested approval to construct a modular building to house mental health, administration, dental and a conference room. He noted the facility will be fully landscaped.

Planning Director Clyde Melick noted the zoning change will allow for a modular building on the property. He noted City Staff recommended approval as well as the Planning and Zoning Commission.

There being no others to speak for or against Zoning Amendment Request No. 2009-40, Mayor Wilkinson closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2561

ORDINANCE NO. 2561

AN ORDINANCE CHANGING THE ZONING ON LOT 1A, TOWN ADDITION, LOCALLY KNOWN AS 417 E. JEFFERSON STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM OFFICE (O) TO PLANNED DEVELOPMENT-OFFICE (PD-O), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilman John Wray moved to approve Ordinance No. 2561 as presented, subject to Staff Comments. Councilman Joe Jenkins seconded, **All Ayes.**

Planning Director Clyde Melick presented Final Plat of North Water Treatment Plant Addition located at 126 Alton Adams Drive, being Lots 1-5, Block A, and Lots 1-3, Block B, 84.078 acres in the Thomas Selby Survey, Abstract No. 1002 – Owner: Rockett S.U.D. (FP 2010-02). He reported all infrastructures is in and the entire tract is within the city limits and explained the note and the city limits line close to US Highway 77 should be correct on the final plat. The city public sanitary sewer line that runs north to south in Lot 3, Block B, should be shown in a fifteen (15') foot public utility easement. Mr. Melick noted the Applicant agrees to all Staff comments. He recommended approval as well as the Planning and Zoning Commission.

Councilman Chuck Beatty moved to approve the Final Plat of North Water Treatment Plant Addition located at 126 Alton Adams Drive, being Lots 1-5, Block A, and Lots 1-3, Block B, 84.078 acres in the Thomas Selby Survey, Abstract No. 1002 – Owner: Rockett S.U.D. (FP 2010-02, subject to Staff Comments. Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

Finance Director Charles Harris presented Ordinance No. 2562 and explained it corrects errors that occurred while amending the utility rates.

ORDINANCE NO. 2562

AN ORDINANCE AMENDING THE UTILITY RATES AND CHARGES, BY AMENDING SECTION 33-33, OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF FEBRUARY 15, 2010 AND DELCARING AN EMERGENCY.

Councilman Joe Jenkins moved to approve Ordinance No. 2562 as presented. Councilman John Wray seconded, **All Ayes.**

Planning Director Clyde Melick presented Ordinance No. 2563 and noted it provides for the close of a tract of land abutting 813 and 817 West Main Street. He reported the property appraised at \$500.00 and the two property owners will divide the property and purchase.

ORDINANCE NO. 2563

AN ORDINANCE CLOSING RIGHT-OF-WAY LOCATED ABUTTING 813 AND 817 WEST MAIN STREET, AND BEING A 20 FOOT BY 170 FOOT TRACT OF LAND BETWEEN BLOCK 332 AND BLOCK 333, ORIGINAL TOWN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND SETTING AN EFFECTIVE DATE.

Mayor Pro Tem Buck Jordan moved to approve Ordinance No. 2563 as presented. Councilman Chuck Beatty seconded, **All Ayes.**

Utility Director David Bailey presented a professional services contract with Freese & Nichols for a South Prong Dam Simplified Breach Analysis and assistance with the required Emergency Action Plan for South Prong Dam. He explained TCEQ now requires all high and significant hazard dam owners to prepare and submit this plan. Mr. Bailey noted the fees due Freese & Nichols for their professional services is \$18,500.00.

Councilman Chuck Beatty moved to approve the professional services of Freese& Nichols to assist with the Emergency Action Plan for South Prong Dam in the amount of \$18,500.00. Councilman Joe Jenkins seconded, **All Ayes.**

Utility Director David Bailey presented the Developer Liability Fee Agreement for Crepe Myrtle Enterprises, LLC, owners of the Showbiz Cinema Addition. He explained the developer was required to extend an 8-inch sanitary sewer line and a 12-inch water line offsite from Megan Street to their development for utility service. The agreement covers the cost of linear feet of the offsite water and sanitary sewer lines that would be collected from development of the property south of Crepe Myrtle Enterprises, LLC should they connect to these lines. The life of this agreement is for ten (10) years.

Mayor Pro Tem Buck Jordan moved to approve the Developers Liability Fee Agreement with Crepe Myrtle Enterprises, LLC as presented. Councilman Chuck Beatty seconded, **All Ayes.**

CITIZENS PETITIONS AND REQUEST

Mr. Jim Kauffman, 813 West Main, asked if the City would consider an Ordinance that covers outside storage that would make it easier with the enforcement of cleaning up residential property as well as commercial.

Mr. Mark Singleton, 125 Willowcrest, Waxahachie, noted with sales tax reports down, he asked if the City is starting the process of preplanning for the fiscal year 2010 – 2011 budget. He asked for future Council members that are interested in running for a place on City Council, what state are the finances going to look like as early as June.

City Manager Paul Stevens noted the sales tax was down just over 2% from the previous year and for the fiscal year, the City is on the plus side at .7%. He stated the City budgeted very conservatively this year.

Public Works Director Jeff Chambers reported the Street Department received 165 tree complaints and are working through the trees in the streets and hope to have clean up by the middle of next week. He noted sanding was continuous during the snow storm on February 11th and 12th with the City receiving over one foot of snow.

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

Mayor Pro Tem Buck Jordan thanked City Staff as well as CNB for cleaning Singleton Plaza for the Mardi Gras festivities on Saturday, February 13, 2010.

Mayor Wilkinson thanked Wayne and Tammy Strickland and their crew for the organization of the Mardi Gras parade and activities. He noted it was a very successful event even with the weather.

City Manager Paul Stevens announced, due to the recent snow storm, residential customers can arrange pickup of tree limbs with IESI or they may also bring broken limbs and trees to the convenience station free of charge. Mr. Stevens announced the City received a check in the amount of \$70,196 from the Texas Municipal League for the 2008-09 equity return on Worker's Compensation, Liability and Property Funds.

Councilman Joe Jenkins thanked Mr. Kirk Lipscomb for participating as Councilmember for the month of February.

Public Relations Manager Amy Hollywood announced a press release will be in the local newspaper outlining how to dispose of tree limbs.

There being no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,

Lori Saunders
City Secretary