

City Council
September 7, 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, September 7, 2010, at 7:00 p.m.

Council Members Present: John Wray, Mayor Pro Tem
Chuck Beatty, Councilman
Kevin Strength, Councilman
Mark Singleton, Councilman

Council Member Absent: N.B. "Buck" Jordan, Mayor

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

Mayor Pro Tem John Wray called the meeting to order and Councilman Chuck Beatty gave the invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of August 16, 2010
- b. Minutes of the Zoning Board of Adjustments meeting of August 16, 2010
- c. Minutes of the Cemetery Board meeting of August 12, 2010
- d. Minutes of the Park Board meeting of August 5, 2010
- e. Minutes of the Mid-Way Airport meetings of June 17, 2010 and July 15, 2010
- f. Approve Parade Route for 15th Annual Texas Country Reporter Festival

Mayor Pro Tem John Wray announced item "f" under the Consent Agenda is removed for further discussion.

Councilman Chuck Beatty moved to approve Items a. through e. on the Consent Agenda.
Councilman Kevin Strength seconded, **All Ayes.**

Mayor Pro Tem John Wray discussed item "f" under the consent agenda noting it is to consider approving the parade route for the 15th Annual Texas Country Reporter Festival.

Mr. Lindon Nickels, 301 N. Blue Grove, Lancaster, Texas, President of the Waxahachie Downtown Farmer's Market Association, reported the Texas Country Reporter Festival is held during the Farmer's Market season and in years it wasn't a problem. He explained, even though they had to give up their regular spaces, they were moved to another location. Mr. Nickels noted last year the festival organizers notified the Association and told them they were not invited to the festival. This year the festival organizers notified them and told them there is no space allotted for them. He noted the Association rented space outside the festival area last year and

took a loss. Mr. Nickels asked Council to reserve the 300 block of South Rogers for the Farmer's Market the day of the festival and explained it is a regular business day for the Farmer's Market vendors as the Farmer's Market season is May through October 30th.

City Manager Paul Stevens clarified item "f" is approving the parade route and stated, in the past, there has been confusion with the festival and Farmer's Market. He noted the festival organizers charge a vendors fee and explained the Farmer's Market has made a commitment to be downtown to sell their goods May through October. Mr. Stevens reported he relayed that to the festival organizers and they still feel the Association should pay a vendor's fee. He noted the City does have a good relationship with the festival but we should support our Farmer's Market vendors as well.

Ms. Debra Wakeland, President, Chamber of Commerce, noted she would accept a vendor's fee of fifty (\$50.00) and explained that fee goes directly to the Chamber of Commerce to help offset the expenses incurred by the Chamber. She noted the Bob Phillips Festival has been very successful through the years and brings in approximately 50,000 visitors to Waxahachie. Ms. Wakeland recommended taking to festival to Boyce Grain and Feed.

Mayor Pro Tem Wary noted the item is for a parade route and recommended City Staff negotiate with festival organizers. Mr. Stevens Paul noted he will be in a meeting with the organizers and should have the layout of the festival and will visit more about the vendor fees.

Councilman Mark Singleton moved to approve item "f" of the above Consent Agenda.
Councilman Chuck Beatty seconded, **All Ayes.**

Councilman Mark Singleton introduced Mr. A.J. Woodall as the Honorary Councilmember for the Month of September. Mr. Woodall is a local resident, employed by Citizens National Bank, and is very active in numerous activities around the City.

Ms. Debra Alvarez, 317 Vaughn, Red Oak, requested street closure for the grand opening of their business, Plato Loco Mexican Café and Cantina. She requested to close Franklin Street between Rogers Street and Jefferson Street between 5:00 p.m. and 9:00 p.m. on October 2, 2010 for grand opening festivities.

Councilman Kevin Strength moved to approve street closure for the grand opening of Plato Loco Mexican Café and Cantina as presented above. Councilman Chuck Beatty seconded, **All Ayes.**

Downtown Director Anita Williamson requested street closure for "Kids Day" at the Downtown Farmer's Market to be held on Saturday, September 25, 2010 from 8:00 a.m. until 1:00 p.m.

She requested to close Franklin Street from College Street to Jackson Street for children's activities.

Councilman Chuck Beatty moved to approved street closure for the "Kids Day" at the Downtown Farmer's Market as presented above. Councilman Mark Singleton seconded, **All Ayes.**

Ms. Patti Junkin, 600 FM876, Waxahachie, Chairman of the Senior Center Advisory Board, recommended to raise the yearly membership dues to the Waxahachie Senior Center from \$10.00 per year to \$40 per year for city residents and \$60.00 per year for the non-residents.

Audience members that spoke against raising the membership dues are as follows:

Ms. Becky Harris, 1190 Sharpshire, Waxahachie
Ms. Betty Nieve, 2935 FM876, Waxahachie
Ms. Nettie Farmer, 118 Chiefton Drive, Waxahachie

Mr. Mike Lee, 506 Sycamore, Waxahachie, Senior Center Advisory Board member, reported the Board looked at the substantial increase the City has taken on. The Board saw other city departments taking cuts and decided the Senior Center should step up and help the city. He noted, if a senior citizen can demo that they can't pay the dues, the Board will work with the Director of the Senior Center and find sponsors to assist seniors with their membership dues so they can be included at the Senior Center.

After a lengthy discussion, Councilman Mark Singleton moved to accept the rate increase as presented by the Senior Center Advisory Board to increase city residence membership to \$40.00 per year and non-city residence membership to \$60.00 per year.

Councilman Kevin Strength seconded, the vote was as follows:

For: John Wray
Kevin Strength
Mark Singleton

Against: Chuck Beatty

Absent: Buck Jordan

Abstain: None

The motion carried.

Mayor Pro Tem John Wray opened the Public Hearing on the General Fund Budget for Fiscal Year 2010-2011.

Finance Director Charles Harris reported the total for the General Fund is proposed at \$21,537,400 and noted it will be funded by an ad valorem tax rate of .680000. He noted the Reserve Fund will remain the same.

There being no others to speak for or against the Public Hearing on the General Fund Budget for Fiscal Year 2010-2011, Mayor Pro Tem John Wray closed the Public Hearing.

Mayor Pro Tem John Wray opened the Public Hearing on the Tax Rate Increase for Fiscal Year 2010-2011.

City Manager Paul Stevens announced this is the first of two public hearings. He reviewed the following:

- a. Last years' rate .611208
- b. Effective rate .650478
- c. Proposed rate .680000

Mayor Pro Tem John Wray announced the vote on the Tax Rate Increase is scheduled for September 20, 2010, at 7:00 p.m. in the City Council Chamber.

There being no others to speak for or against the Public Hearing on the Tax Rate Increase for Fiscal Year 2010-2011, Mayor Pro Tem John Wray closed the Public Hearing.

Economic Development Director Doug Barnes presented Ordinance No. 2579 and reported this past Spring, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism tariff approved by the City as part of the settlement of the Atmos Mid-Tex 2007 Statement of Intent to increase rates. He noted the monthly bill impact for the average residential customer will be a \$1.40 increase, approximately 3.15% increase in the total bill.

ORDINANCE NO. 2579

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE

UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS MID-TEX'S PROOF OF REVENUES; EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF; RATIFYING THE SETTLEMENT AGREEMENT, INCLUDING COST RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

Councilman Chuck Beatty moved to approve Ordinance No. 2579 as presented. Councilman Kevin Strength seconded, **All Ayes.**

Public Works Director Jeff Chambers reported bids were received and reviewed for the 2010 Alley Reconstruction Project. He noted the base bid includes the Sagebrush/Chieftain alley from Redman to Buffalo Creek. Additive Alternate #1 is the Hacienda alley from Iroquois to Santa Fe Trail. Additive alternate #2 is the Auburn alley from John Arden to Trinity.

The bids were as follows:

	<u>P.E.T. Construction</u>	<u>Santos Construction</u>	<u>J&T Excavating</u>
Base Bid	\$148,289.00	\$155,343.00	\$172,021.25
Base Bid w/Alt. #1	\$251,280.50	\$257,909.50	\$287,774.60
Base Bid w/Alt. #2	\$206,538.00	\$209,808.00	\$232,998.35
Base Bid w/Alt. #1 & #2	\$309,529.50	\$312,374.50	\$348,751.70
	<u>Jeske Construction</u>	<u>Axis Construction</u>	<u>XIT Construction</u>
Base Bid	\$180,110.10	\$185,740.00	\$243,331.76
Base Bid w/Alt. #1	\$298,773.80	\$310,408.50	\$407,951.60
Base Bid w/Alt. #2	\$243,581.70	\$249,433.00	\$334,595.09
Base Bid w/Alt. #1 & #2	\$362,245.40	\$374,101.50	\$499,214.93

Mr. Chambers noted after comparing bid amounts and the funds available, he recommended awarding the base bid and additive alternate #1 to the low bidder, P.E.T. Construction in the amount of \$251,280.50. He reported the engineering firm of Binkley and Barfield has contact references provided by P.E.T. and received positive responses. Mr. Chamber noted P.E.T. has performed work in the City of Waxahachie and the experience with them has been positive.

Councilman Mark Singleton moved to award the bid for the 2010 Alley Reconstruction Project to P.E.T. Construction to include the base bid with Alternate #1 in the amount of \$251,280.50.
Councilman Chuck Beatty seconded, **All Ayes.**

Director of Health, Sonny Wilson reviewed residential solid waste service options noting residents are currently receiving the following services:

- Curbside garbage and recycling collection
- Bundles of tree trimmings
- Free brush collection
- Leaves/grass collection
- Bulky items
- Extra loads

Mr. Wilson reviewed the following proposed options for residential solid waste and recycling:

Collections Day Options –

Bagged garbage collection (maximum 10 days)
Twice per week along with recycling collection
Once per week

Or –

96 Gallon Poly-cart collection once per week and
65 gallon Poly-cart for recycling once per week

After further discussion, the consensus of the Council was for Mr. Wilson to proceed with a Request for Proposal and present it to Council at a later date.

Planning Director Clyde Melick announced there will be an I-35 Citizen Committee meeting on Thursday, September 9, 2010, from 6:00 p.m. to 8:00 p.m. at the Waxahachie Civic Center. He noted discussion will include the segment from Interstate 20 to Bell County. They will discuss two projects: widening Interstate 35. He noted combined with several other projects, the completion timeframe is estimated in 2030.

CITIZENS' PETITIONS AND REQUESTS:

Ms. Debra Wakeland, President, Chamber of Commerce, announced the ribbon cutting at the Sokoll Treatment Plant will be held on Thursday, September 9, 2010, at 4:30 p.m.; The Veterans appreciation parade will be held on Saturday, September 11, 2010 and will began at Getzendaner Park and end at the National Guard Amory; the Mayors Rise and Shine Breakfast will be held on Thursday, September 16, 2010 at 7:00 a.m. at the Civic Center.

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

City Manager Paul Stevens reported City Staff has a company looking at the Council Chamber microphones and will be making some recommendations.

There being no further business, the meeting adjourned at 8:31 p.m.

Respectfully submitted,

Lori Saunders
City Secretary