

City Council
September 20, 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, September 20, 2010, at 7:00 p.m.

Council Members Present: N.B. "Buck" Jordan, Mayor
John Wray, Mayor Pro Tem
Chuck Beatty, Councilman
Kevin Strength, Councilman
Mark Singleton, Councilman

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Jim Chapman, Assistant City Attorney
Amber Villarreal, Assistant City Secretary

Mayor Buck Jordan called the meeting to order and Mayor Pro Tem John Wray gave the invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of September 7, 2010
- b. Minutes of the City Council work session of September 7, 2010
- c. Minutes of the Special City Council meeting of September 13, 2010
- d. Minutes of the City Council work session of September 13, 2010
- e. Minutes of the Planning and Zoning Commission meeting of September 8, 2010
- f. Minutes of the Waxahachie Community Development Corporation meeting of September 10, 2010
- g. Minutes of the Heritage Preservation Commission meeting of August 12, 2010
- h. Monthly Building Report for August 2010
- i. Monthly Code Enforcement Report for August 2010
- j. Monthly Violation Activity Statistics for August 2010
- k. Monthly Crime Report for August 2010
- l. Monthly Fire and EMS Report for July 2010

Councilman Chuck Beatty moved to approve Items a. through l. on the Consent Agenda.
Councilman Mark Singleton seconded, **All Ayes.**

Councilman Mark Singleton presented a certificate of appreciation to 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.

Mayor Jordan administered the Oath of Office to Firemen Matthew S. Young and Nathaniel C. Rider.

Item 7 was removed from the agenda.

Mayor Jordan read a Proclamation designating Friday, October 1, 2010 as “Pink Out Day” in Waxahachie and presented it to Fireman Don Alexander, W.I.S.D. Director of Public Relations Nicole Mansell, and Cindy Smith, honorary co-chair for “PINK OUT 2010: INDIANS CARE ENOUGH TO WEAR PINK”.

Mayor Jordan read a Proclamation designating Friday, September 24, 2010 as “Drug Prevention Resources Day” in Waxahachie.

Mayor Jordan read a Proclamation designating Saturday, October 2, 2010 as “National Night Out” in Waxahachie and presented it to Officer Wess Winn and Police Chief Chuck Edge.

Officer Wess Winn requested to close North College Street from the railroad tracks to just north of the College Street Pub for approximately three (3) hours for “National Night Out” event to be held on Saturday, October 2, 2010 in Singleton Plaza. He noted this is the last year that National Night Out will be done as a city; next year the event will go back to the neighborhoods.

Councilman Mark Singleton moved to approve the request to close North College Street from the railroad tracks to just north of the College Street Pub for “National Night Out” event to be held on Saturday, October 2, 2010. Councilman Kevin Strength seconded, **All Ayes.**

Mr. Jim Kauffman, 817 W. Main Street, expressed his concern for outside storage at residences and businesses in Waxahachie. He noted the city has ordinances in place that alleviate some of the problems, but there is a lot that is not clearly written in the ordinance. Mr. Kauffman suggested the council do two things: 1) an outside storage ordinance would give the Health department the tool it needs to regulate outside storage 2) create a community program to assist in keeping Waxahachie clean.

Assistant City Manager Michael Scott noted the current ordinance can be used for enforcement, but there is room for improvement. Mr. Scott noted there have been community groups work to clean up Waxahachie and the city would supply them dumpsters to use.

Health & Sanitation Director Sonny Wilson noted there are approximately 1,400 junk/storage cases a year and his department does the best that they can to keep Waxahachie clean by working with other city departments and the police. He noted he is comfortable with the current Public Health ordinance.

Those who spoke in favor of Mr. Kauffman's request:

Harlan Lowrance, 1101 E. Marvin
Edwin Farrar, 902 W. Main
Forrest John, 1005 E. Marvin

City Manager Paul Stevens noted a revised ordinance will help alleviate some of the unsightliness, but it is an ongoing effort. Mayor Jordan thanked Mr. Wilson, but expressed his concern with junk and outside storage. Councilman Chuck Beatty recommended having neighborhood groups or church groups adopt streets or areas and keep them maintained.

Councilman Mark Singleton thanked the concerned citizens, but challenged them to find a solution to the problem. Mr. Kauffman noted the ordinance is needed to inform the citizens what is clearly allowed and not allowed.

Councilman Kevin Strength noted an ordinance is needed to be able to enforce cleanup in Waxahachie.

Mr. Cory Lucas, Freedom Fellowship International, requested permission to hold the 4th Annual City-Wide Fall Festival at Getzendaner Park on Sunday, October 31, 2010. He noted they provide an environment that is a safe place for children and their parents to come and have fun.

Mayor Pro Tem John Wray moved to approve Freedom Fellowship International permission to utilize Getzendaner Park on October 31, 2010. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Jordan opened the Public Hearing on Zoning Amendment Request No. 2010-12: Request by Gary P. Richter, for a Specific Use Permit within a Future Development (FD) Zoning District to erect a Skystream 3.7 wind generator to be located at 2850 Howard Road, being Lot 3, Block A, 5.5 acres in the Penn Farm Ranchettes Addition– Owner: Gary P. Richter.

Due to a scheduling conflict, Planning Director Clyde Melick requested approval of ZA 2010-12 for Mr. Gary Richter. He reported the generator will convert wind energy into electricity and

explained the wind generator will be approximately ninety (90) feet from the corner of the house and one hundred fifty (150') feet from the road.

There being no others to speak for or against Zoning Amendment Request No. 2010-12, Mayor Jordan closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2580:

ORDINANCE NO. 2580

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 3, BLOCK A, PENN FARM RANCHETTES, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 2850 HOWARD ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING FUTURE DEVELOPMENT (FD) TO FUTURE DEVELOPMENT WITH SPECIFIC USE PERMIT (FD with SUP), FOR THE PURPOSE OF ELECTING A SKYSTREAM 3.7 WIND GENERATOR TO EXTRACT ENERGY FROM WIND TO PRODUCE ELECTRICAL POWER FOR PERSONAL USE AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem John Wray moved to approve Ordinance No. 2580 as presented subject to Staff Comments. Councilman Kevin Strength seconded, **All Ayes.**

City Attorney Steve Chapman presented Ordinance No. 2581:

ORDINANCE NO. 2581

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2009-2010; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND TERMINATING SEPTEMBER 30, 2011, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilman Kevin Strength moved to approve Ordinance No. 2581 as presented. Councilman Mark Singleton seconded, **All Ayes.**

City Attorney Steve Chapman presented Ordinance No. 2582. He noted the Ordinance that was presented in the packet had a total tax of 65.0478 cents. He revised the Ordinance to reflect the correct figure for total tax being 68 cents.

ORDINANCE NO. 2582

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2011 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE

Councilman Mark Singleton moved to approve revised Ordinance No. 2582 with correction of total tax being 68 cents. Councilman Kevin Strength seconded, the vote was as follows:

AYES : Buck Jordan
Chuck Beatty
Kevin Strength
Mark Singleton

NOES : John Wray

ABSTAINING: None

The motion carried.

Councilman Mark Singleton moved to have a vote to approve the tax increase required by the Texas Local Government Code, Section 102.007. Councilman Chuck Beatty seconded, the vote was as follows:

AYES : Buck Jordan
Chuck Beatty
Kevin Strength
Mark Singleton

NOES : John Wray

ABSTAINING: None

The motion carried.

Civil Service Director Gayle Sims presented Ordinance No. 2583:

ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem John Wray moved to approve Ordinance No. 2583 as presented. Councilman Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens recommended to the Council to reappoint Mr. Robert Aday to the Civil Service Commission effective October 1, 2010 for a three (3) year term.

Councilman Mark Singleton moved to ratify City Manager Paul Stevens' appointment of Mr. Robert Aday to the Civil Service Commission for a three (3) year term. Councilman Kevin Strength seconded, **All Ayes.**

Assistant City Manager Michael Scott presented a proposed Ordinance regulating the use of the City Parking Garage. He noted the Ordinance may not be in its final form, but the seven (7) items listed have been identified as problems. He would like to get an Ordinance in place so the City can put up a sign of rules and regulations. He noted any amendments or other issues can be addressed as need be in the future.

Mayor Pro Tem John Wray noted he would like to table this Ordinance until a clear definition of "loitering" can be addressed and defined by the City Attorney.

Mayor Pro Tem John Wray moved to table the proposed Ordinance regulating the use of the City Park Garage. Councilman Kevin Strength seconded, **All Ayes.**

Police Chief Chuck Edge presented Ordinance No. 2584 and noted the Assistant City Attorney has reviewed and approved the Ordinance.

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS AMENDING CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS", OF THE CODE OF ORDINANCES, BY ADDING SECTION 21-126 – RESTRICTED SMOKING MATERIALS; PROHIBITING THE SALE AND POSSESSION OF K2; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE;

PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Mayor Pro Tem John Wray moved to approve Ordinance No. 2584 as presented. Councilman Kevin Strength seconded, **All Ayes.**

City Attorney Steve Chapman presented Ordinance No. 2585 closing an alley at the request of First Baptist Church of Waxahachie between U.S. Highway 77 and Rogers Street abutting the east line of Block 22 and the south line of Block 34 Town Addition.

ORDINANCE NO. 2585

AN ORDINANCE CLOSING AN ALLEY, BEING 20 FEET IN WIDTH, ABUTTING THE EAST LINE OF BLOCK 22 AND THE SOUTH LINE OF BLOCK 34 TOWN ADDITION, ORIGINAL TOWN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND SETTING AN EFFECTIVE DATE.

Councilman Chuck Beatty moved to approve Ordinance No. 2585 as presented. Councilman Mark Singleton seconded, **All Ayes.**

Assistant City Attorney Jim Chapman noted he will resign from the Waxahachie Community Development Corporation effective December 31, 2010.

Councilman Mark Singleton moved to appoint Peter Grosso to fill the unexpired term of Jim Chapman effective January 1, 2011. Councilman Kevin Strength seconded, **All Ayes.**

City Manager Paul Stevens reported on the agreement to repay the stimulus funds for Bardwell Dam repairs. He noted the City will pay \$15,000.00/year for thirty years. He explained the Ellis County Water Control & Improvement District #1 met and approved the Trinity River Authority entering into the Supplemental Agreement with the Department of the Army and noted no action is required from the City.

CITIZENS' PETITIONS AND REQUESTS:

A.J. Woodall thanked the Council for allowing him to serve as Honorary Councilmember for September.

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

Assistant City Manager Michael Scott noted the TV series *Good Guys* will begin filming this week inside the Chaska House at Gibson Street and Main Street. He noted Gibson Street will be closed between Water Street and Main Street and off-duty Police Officers have been hired.

City Manager Paul Stevens announced El Fenix Restaurant invited the Council to attend the pre-grand opening on Thursday, September 23, 2010 from 5 p.m. to 9 p.m.

Councilman Mark Singleton acknowledged and thanked City Staff.

Community Relations Manager Amy Hollywood noted the Farmer's Market will be hosting a Kid's Day on Saturday, September 25, 2010 from 9 a.m. - 12 p.m.

Mayor Jordan announced at 8:31 p.m. the City Council will convene into Executive Session as permitted by the **Texas Government Code, Section 551.072**, to deliberate the arbitration results of condemnation proceedings of property near Mid-Way Regional Airport.

City Council reconvened at 8:38 p.m.

Mayor Pro Tem John Wray moved to approve the Mid-Way Airport Settlement Agreement.
Councilman Mark Singleton seconded, **All Ayes.**

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary