

City Council  
February 7, 2011

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 7, 2011, 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  
Lori Saunders, City Secretary

Others Absent: Steve Chapman, City Attorney

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Mayor Buck Jordan called the meeting to order and Councilman Chuck Beatty 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 18, 2011
- b. Minutes of the Economic Development meeting of January 20, 2011
- c. Minutes of the Firemen's Relief and Retirement Fund meeting of December 13, 2010

**Councilman Chuck Beatty moved to approve Items a. through c. on the Consent Agenda.**  
Mayor Pro Tem John Wray seconded, **All Ayes.**

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Paula Baucum, Chairman of the Midway Airport Board reported on January 28<sup>th</sup> the Airport celebrated the grand opening of the runway expansion. She presented a rendering of the terminal renovations noting the community can come out and from the terminal watch planes arrive and depart. The terminal will provide for a restaurant. Administrative offices will be upstairs with offices downstairs as well. The outside improvement gives a more welcoming look for visitors and tenants. Ms. Baucum acknowledged the Airport Board and commended them on the expertise and knowledge they bring to the Board.

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Economic Development Director Doug Barnes presented Resolution No. 1150 reported every two (2) years the City is required to renew with a Resolution adopting a comprehensive policy of guidelines and criteria for governing Economic Guidelines.

**RESOLUTION NO. 1150**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING ECONOMIC DEVELOPMENT INCENTIVES, PARTICULARLY TAX ABATEMENT AGREEMENTS, WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION.**

**WHEREAS**, the City Council desires to promote economic development within Waxahachie; and

**WHEREAS**, the provision of certain economic development incentives may encourage prospective businesses and companies to locate in Waxahachie or existing businesses and companies to expand; and

**WHEREAS**, the establishment of specific guidelines, criteria, and procedures are necessary to insure that tax abatement incentives are given and administered effectively; and

**WHEREAS**, the adoption of guidelines and criteria are required by State law before an area may be established as a reinvestment zone;

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

**Section 1.** That the City of Waxahachie hereby establishes certain guidelines and criteria governing economic development incentives, including tax abatement agreements, within the City of Waxahachie and its extraterritorial jurisdiction attached as "Exhibit A", and such guidelines and criteria shall expressly govern all subsequent tax abatement agreements.

**Section 2.** That an ECONOMIC DEVELOPMENT COMMISSION has been established by ordinance of the City of Waxahachie and charged with the duty of reviewing all applications for tax abatement, making recommendations to the City Council, concerning such applications, and initiating amendments to these guidelines and criteria.

**Section 3.** That such guidelines and criteria shall be effective for two (2) years from February 7, 2011 and may only be amended or repealed by a three-fourths vote of the City Council.

**Councilman Mark Singleton moved to approve Resolution No. 1150 as presented.** Councilman Kevin Strength seconded, **All Ayes.**

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Mr. Michael Diedrich, Plant Manager, Cardinal CG Company requested tax abatement for an equipment expansion project at their plant located at 203 Cardinal Road. He reported Cardinal CG Company currently has 80% of the Texas market and in order to keep up with the state regulations, they need to expand the coater line and explained approval of the Tax Abatement request will allow for the expansion. Mr. Diedrich presented different types of coaters on glass that go in residential homes. Resolution No. 1151 was presented approving a Tax Abatement Agreement with Cardinal Coated Glass for equipment expansion.

**RESOLUTION NO. 1151**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF WAXAHACHIE, TEXAS AND CARDINAL CG COMPANY, OWNER HAVING ESTABLISHED REINVESTMENT ZONE WITHIN THE ENTERPRISE ZONE IN THE CITY OF WAXAHACHIE, TEXAS; AND PROVIDING FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT FOR CARDINAL CG COMPANY, OWNER AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE THE ASSISTANT CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas and Cardinal CG Company, establishing a Reinvestment Zone in the City of Waxahachie, Texas, and providing for a commercial/industrial tax abatement for Cardinal CG Company, Owner, a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called "Agreement"); and

**WHEREAS**, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence the Assistant City Manager, shall be authorized to execute it on behalf of the City of Waxahachie;

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

**Section I.** The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Waxahachie and found to be acceptable and in the best interests of the City of Waxahachie and its citizens, are hereby in all things approved.

**Section II.** The City Manager, or in his absence the Assistant City Manager, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Waxahachie, substantially according to the terms and conditions set forth in the Agreement.

**Section III.** This Resolution shall become effective from and after its passage.

**Mayor Pro Tem John Wray moved to approve Resolution No. 1151 as presented.** Councilman Mark Singleton seconded, **All Ayes.**

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City Manager Paul Stevens reported in January City Council and the Planning and Zoning Commission held a work session on the U.S. Highway 77 Corridor Study. He presented Resolution No. 1152 supporting the findings of the highway study that will give us leverage to go to the State for funding.

**RESOLUTION NO. 1152**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, SUPPORTING THE FINDINGS OF THE U.S. 77 CORRIDOR STUDY AND ENCOURAGING COOPERATION IN FUNDING THE NECESSARY IMPROVEMENTS AS RECOMMENDED.**

**WHEREAS**, The U.S. 77 Corridor in Waxahachie is the most traveled thoroughfare in the City next to Interstate 35 and the 287 Bypass, and is the commercial hub of the City containing the major retail and service industries in the City; and

**WHEREAS**, Waxahachie residents and visitors enjoy the convenience of shopping and patronizing the various businesses along U.S. 77; and

**WHEREAS**, despite its convenience, U.S. 77 has become congested and sometimes dangerous to the traveling public; and

**WHEREAS**, several years ago the Waxahachie City Council saw the need to commission a study on how to improve the traffic flow along U.S. 77; and

**WHEREAS**, the firm of Parsons Engineering concluded this study of the 77 Corridor last year and the study makes several recommendations to improve traffic flow and safety for drivers on U.S. 77; and

**WHEREAS**, the Texas Department of Transportation has acknowledged the issues of U.S. 77 and are prepared to make intersection improvements at U.S. 77 and the 287 Bypass; and

**WHEREAS**, improvements to the U.S. 77 Corridor are critical to the economic vitality of Waxahachie and the safety of the traveling public; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Waxahachie, Texas, that;

The Waxahachie City Council supports the necessary improvements to U.S. 77 and encourages the Texas Department of Transportation, the eighty-second Texas Legislature and any other relevant agency to assist in funding the improvements to U.S. 77 in order to foster further economic development along this corridor and making it as safe and convenient as possible to drivers.

**Mayor Pro Tem John Wray moved to approve Resolution No. 1152 as presented.** Councilman Kevin Strength seconded, **All Ayes.**

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Environmental Health Director Sonny Wilson discussed the Code Enforcement Ordinance and referred to Section 15-32 noting language was added referencing outdoor storage. He noted the new language was added depicting what is allowable and what must be out of public view and not visible from public thoroughfare and/or right-of-way. Mr. Wilson noted the use or storage of any upholstered furniture manufactured primarily for indoor use, including mattresses, must be in an enclosed area. He reviewed Sections 17-47 referencing junk vehicles and recommended adding language depicting any motor vehicle that is covered with anything other than a cover specifically designed for a vehicle is considered a junk vehicle.

Mr. Jim Kauffman, 817 W. Main, Waxahachie noted he has been waiting to get this ordinance launched for an on-going needed clean-up campaign.

Mr. Harlan Lowrance, 1101 E. Marvin Avenue, Waxahachie, noted from a homeowners perspective some of the more economic distressed areas need this for the homeowner wanting to invest in property and noted it's hard for someone to come in and the neighborhood have junked vehicle in the driveway. He noted private property rights need to be considered.

After further discussion, Council asked Mr. Wilson to bring it back to the Council meeting of February 21, 2011 for consideration.

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Police Chief Charles Edge presented an Interlocal Cooperation Contract and Agreement between the County of Ellis and the City of Waxahachie. He explained in mutual consideration, the City agrees to allow the County the use of its gun range and the County agrees to allow the City us of its training facility rooms.

**Councilman Mark Singleton moved to approve the Interlocal Cooperation Contract and Agreement between the County of Ellis and the City of Waxahachie as presented.** Councilman Chuck Beatty seconded, **All Ayes.**

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City Secretary Lori Saunders presented Ordinance No. 2601 providing for the election to be held on Saturday, May 14, 2011 to elect two (2) City Council Members.

**ORDINANCE NO. 2601**

**AN ORDINANCE PROVIDING FOR THE ELECTION TO BE HELD TO ELECT TWO 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.**

**Councilman Mark Singleton moved to approve Ordinance No. 2601 as presented.** Councilman Kevin Strength seconded, **All Ayes.**

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City Secretary Lori Saunders presented Resolution No. 1153 approving Joint Election Agreement with the Waxahachie Independent School District.

**RESOLUTION NO. 1153**

**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 14, 2011;

**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 14, 2011 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.

**Councilman Mark Singleton moved to approve Resolution No. 1153 as presented.** Councilman Kevin Strength seconded, **All Ayes.**

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Environmental Health Director Sonny Wilson announced Staff is reviewing the solid waste request for proposals and will be recommending a contract soon.

City Manager Paul Stevens referenced the downtown fire last month and expressed his appreciation to the Fire Department, Police Department, Utilities Department and Public Works Department for their involvement in fighting the fire. He noted by having mutual aide working with our fire department was incredible. Mr. Stevens reported last week the Water Treatment Plant had a fire and the Utility Department crews worked around the clock and the Fire Department responded quickly. He reported City Attorney Steve Chapman fell on ice and is recovering. Civic Center Director Lou Bryant resigned and the City will start a search for a new Director. Mr. Stevens thanked Public Works Director Jeff Chambers and his crew for working around the clock during the bad weather.

Mayor Buck Jordan commended Chief Hudgins and his crew for fighting the fire. Chief Hudgins noted one asset is the ladder truck being 105 foot therefore able to reach the fire from different angles. Mr. Stevens noted Officer Barry Owens smelt the smoke and was diligent in making the call.

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**There being no further business, Councilman Kevin Strength moved the meeting adjourned at 8:31 p.m.** Councilman Mark Singleton seconded, **All Ayes.**

Respectfully submitted,

Lori Saunders  
City Secretary