

City Council
May 2, 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, May 2, 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
Steve Chapman, City Attorney

Mayor Buck Jordan 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 April 18, 2011
- b. Minutes of the regular Planning and Zoning Commission meeting of April 27, 2011
- c. Minutes of the Rodeo Board meeting of March 30, 2011
- d. Resolution declaring intent to reimburse expenditures with proceeds of future debt for the purpose of design and construction of roadway improvement to Emanuel Street.

RESOLUTION NO. 1154

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF ROADWAY IMPROVEMENTS TO EMANUEL STREET.

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for the design and roadway improvements to Emanuel Street and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse General Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the General Fund in an amount not to exceed \$150,000.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

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

Mayor Buck Jordan read a Proclamation proclaiming May 2011 as “National Preservation Month” and presented it to City Manager Paul Stevens in the absence of Downtown Director Anita Williamson.

Mr. Mike Crow, The Ranch Radio, reported at the Council meeting of April 11, 2011, Council approved street closure for The Ranch Kick-off Summer Street Dance subject to review of street closures for the Texas Crawfish Party in May. He noted the Street Dance is not associated with the Crawfish Party and explained the station needs to procure bands, sponsors, and others for the event. He stated the street closure request is for twenty-four (24) hour beginning at midnight on June 17, 2011 to midnight on June 18, 2011. Mr. Crow noted the street closure is North College Street from Main Street to Water Street.

After a brief discussion, Councilman Kevin Strength moved to approve street closure as described above to hold The Ranch Kick-off Summer Street Dance. Mayor Pro Tem John Wray seconded, *All Ayes.*

Ms. Nisa Hurd, Reach Council, requested street and police assistance with traffic control for a 5K on August 13, 2011. She requested to close Jackson Street between Business Highway 287 and Franklin Street from 7:00 a.m. until noon for the start/finish line and for vendors that may be present. Ms. Hurd reported the route will start at Jackson and then to Jefferson, Monroe and Madison Streets to the Cemetery and finishing back at Jackson Street in front of the Ellis County Courts Building.

Police Chief Charles Edge noted he supports the program but would like to look at the route and logistics. Police Chief David Hudgins concurred.

Councilman Kevin Strength moved to approve the request for street closure as described above, subject to Police Chief Edge and Fire Chief Hudgins approval. Councilman Chuck Beatty seconded, **All Ayes.**

Ms. Jacquelyn Helton, Waxahachie Convention & Visitors Bureau, requested street closures for The Rolling Roadshow to be held on June 19-20, 2011. She requested Franklin Street to be closed from Rogers Street to College Street and Rogers Street to be closed from Main Street to Franklin Street. Ms. Helton requested to close the streets at noon on Sunday, screening will start at dusk and after screening the streets will reopen and be cleaned up in time for Monday morning.

Mr. Tim Lee, Alamo Drafthouse, Austin Texas, reported The Rolling Roadshow Tour is a summer project that shows famous movies filmed in famous places across the country. This year's sponsor is Texas Monthly Magazine and the Alamo Drafthouse chose to show the movie, "Tender Mercies", which was filmed in Waxahachie. It will be displayed on an outdoor screen free to the public.

Council recommended Ms. Helton and Mr. Lee contact Police and Fire for their review and approval.

Mayor Pro Tem John Wray moved to approve street closures for a screening as described above, subject to Police Chief Edge and Fire Chief Hudgins approval. Councilman Kevin Strength seconded, **All Ayes.**

Assistant City Manager spoke in the absence of Downtown Director Anita Williamson and requested street closures for Farmer's Market and Summer Moonlight Movies as follows:

- 1) Request permission to close Franklin Street from Rogers to College for Waxahachie Downtown Farmer's Market. The market will operate every Saturday, 8 am to 1 pm, from May 21st through October 15th.

NOTE: The Farmer's Market will be relocated the weekend of the Lion's Club Mini Grand Prix (July 16th). A decision has not been made on where the market will be held that weekend so I may come back to ask for another street closure for that weekend only.

- 2) Request permission to close South College Street from Main to Franklin on Saturday, May 21st from 8 am to 3 pm.

NOTE: The Downtown Merchants Association is conducting their "Spring Fling" and "Taste of Downtown" events in cooperation with the Farmer's Market grand opening. This area will be used for kid's activities sponsored by both groups.

- 3) Request permission to close Franklin Street from Jackson to College for Summer Moonlight movies. The street will be closed from approximately 5 pm to approximately 11 pm. Below is a list of movies and dates.

June 10th—Mega Mind
June 24th—The Blind Side
July 8th—Despicable Me
July 29th—How to Train Your Dragon
August 12th—Footloose

Councilman Mark Singleton moved to approve street closures for Farmer's Market and Summer Moonlight Movies as presented above. Mayor Pro Tem John Wray seconded, **All Ayes.**

Mayor Buck Jordan opened the Public Hearing on Zoning Amendment Request No. 2011-06: Request by Frank A. Blankenbeckler III, for a Zoning Amendment from Planned Development-14-Heavy Industrial (PD-14-HI) to Planned Development-14-Heavy Industrial (PD-14-HI) for a site plan amendment for automobile dealership located at 1701 W. Hwy. 287 Bypass, being 3.2 acres in the J E Prince Survey, Abstract 844 and 6.158 acres in the J E Prince Survey, Abstract 844 - Owner: Frank A. Blankenbeckler III.

Mr. Warren Barry, General Contractor for Carlisle Chevrolet, reported GM has a new image brand and is requiring the franchise to comply with their requirements. Requirements include reface part of the exterior, remodel offices and showroom expansion. A new service drive will be added and parking lot will upgrade to include landscaping. Total cost of project is \$792,000.

There being no others to speak for or against Zoning Amendment Request No. 2011-06, Mayor Jordan closed the Public Hearing.

City Attorney Steve Chapman noted the consideration of council is to approve a site plan instead of an ordinance.

Councilman Kevin Strength moved to approve Zoning Amendment Request 2011-06: site plan amendment for automobile dealership located at 1701 W. Hwy. 287 Bypass, being 3.2 acres in the J E Prince Survey, Abstract 844 and 6.158 acres in the J E Prince Survey, Abstract 844 - Owner: Frank A. Blankenbeckler III, as presented. Councilman Mark Singleton seconded, **All Ayes.**

Mayor Buck Jordan opened the Public Hearing on Zoning Amendment Request No. 2011-07: Request by J. Pat Sullivan, for Site Plan Approval within a Planned Development-53-Heavy Industrial (PD-53-HI) Zoning District to allow a covered building, housing a paint booth and sand blast booth located on FM 877 adjacent to south property line of 1805 Howard Road, being 5.502 acres in the S.M. Durrett Survey, Abstract No. 272— Owner: Howard Road Ind. Park LLC.

Mr. Pat Sullivan, Boyce Road, Waxahachie, requested site plan approval for an open span building with two (2) work booths. One will be for a self-contained sand blasting booth and the other for a self-contained paint booth.

There being no others to speak for or against Zoning Amendment Request No. 2011-07, Mayor Jordan closed the Public Hearing.

Councilman Kevin Strength moved to approve Zoning Amendment Request No. 2011-07: Request by J. Pat Sullivan, for Site Plan Approval within a Planned Development-53-Heavy Industrial (PD-53-HI) Zoning District to allow a covered building, housing a paint booth and sand blast booth located on FM 877 adjacent to south property line of 1805 Howard Road, being 5.502 acres in the S.M. Durrett Survey, Abstract No. 272– Owner: Howard Road Ind. Park LLC, as presented. Mayor Pro Tem John Wray seconded, **All Ayes.**

Mr. Pat Sullivan, Boyce Road, Waxahachie, requested a replat of Lot 4A Howard Road Lot 4A Howard Road Industrial Park being 7.448 acres in the Silas M. Durrett Survey, Abstract 272 Owner: J. Pat Sullivan, Howard Road Industrial Park LLC (RP 2011-05). Mr. Sullivan noted the lots are already served by water and sanitary sewer.

After a brief discussion, Councilman Mark Singleton moved to approve the replat of Lot 4A Howard Road Lot 4A Howard Road Industrial Park being 7.448 acres in the Silas M. Durrett Survey, Abstract 272 Owner: J. Pat Sullivan, Howard Road Industrial Park LLC (RP 2011-05). Councilman Kevin Strength seconded, **All Ayes.**

Mayor Buck Jordan opened the Public Hearing on Zoning Amendment Request No. 2011-05: Request by Massey Shaw, for a Zoning Amendment from Light Industrial-1 (LI-1) to Planned Development (PD)–Multi Family for proposed Planned Development/Town Home & Commercial Zoning being 31.821 acres in the A.S. Pruett Survey, Abstract No. 848– Owner: Ouida Meadows Aldridge.

Mr. Brett Hess, Hi View Realty, representing Massey Shaw, noted the proposed site would be a combination multi-family off of Highway 77 with commercial space along the frontage of Highway 77. He displayed a preliminary multi-family plan depicting one hundred eighty (180) units with five (5) units per building with a mixture of one and two story units and a mixture of single car garages and two car garages with rear entries. Units will be three (3) bedrooms with approximately 1,700 square feet.

Councilman Mark Singleton expressed concern with a multi-family and industrial mix and felt Multi-Family needs to be away from Industrial. He noted the preliminary plan is a good plan, but not for the area proposed.

Mayor Pro Tem John Wray noted he likes the plan and is inclined to try the multi-family and Industrial mix.

Planning Director Clyde Melick reported the above request was reviewed at the Planning and Zoning Commission meeting of April 27, 2011 and unanimously denied based on the location being Industrial on the Future Land Use Plan. He noted the 2007 Future Land Use plan calls for this area to be Retail on the frontage of Highway 77 and Industrial at the rear of this tract. The property is adjacent to the BNSF rail line making it very valuable from an Industrial Land Use perspective. Any zoning change on this property would have to follow a change to the Future Land Use plan. This change would replace residential with Light Industrial to the north, heavy industrial to the west and General Retail to the south. A Traffic Impact Analysis would be required and applicant has agreed to build a deceleration and acceleration lane.

Councilman Chuck Beatty noted the area proposed is planned for Industrial and it needs to stay Industrial.

There being no others to speak for or against Zoning Amendment Request No. 2011-05, Mayor Jordan closed the Public Hearing.

After further discussion, Councilman Kevin Strength moved to deny Zoning Amendment Request No. 2011-05: Request by Massey Shaw, for a Zoning Amendment from Light Industrial-1 (LI-1) to Planned Development (PD)–Multi Family for proposed Planned Development/Town Home & Commercial Zoning being 31.821 acres in the A.S. Pruett Survey, Abstract No. 848– Owner: Ouida Meadows Aldridge. Councilman Mark Singleton seconded, the vote was as follows:

Ayes: Buck Jordan
 Chuck Beatty
 Kevin Strength
 Mark Singleton

Noes: John Wray

Abstain: None

The motion carried.

Mr. Mike French, 2204 Country Club, Ennis, Texas, requested approval of Final Plat of Lots 120-RR-A, 120-RR-B, and 120-RR-C Ferris Second Addition (3.255 acres) being a replat of Lot 120-RR, Lot 125, and Lot 126 of Ferris Addition and a 0.0458 acre portion of a 20' alley located at 1401 Ferris Avenue Owner: The Avenue Church (RP 2011-06). He noted the property is currently platted as on with three (3) buildings on it and the replat will allow the church to sell each building separately on their own tract.

Planning Director Clyde Melick reported the Church previously requested an alley closing but was denied at Staff level due to utilities in the alley.

Mayor Pro Tem John Wray moved to approve the Final Plat of Lots 120-RR-A, 120-RR-B, and 120-RR-C Ferris Second Addition (3.255 acres) being a replat of Lot 120-RR, Lot 125,

and Lot 126 of Ferris Addition and a 0.0458 acre portion of a 20' alley located at 1401 Ferris Avenue Owner: The Avenue Church (RP 2011-06). Councilman Kevin Strength seconded, **All Ayes.**

Public Works Director Jeff Chambers presented an Engineering Contract with HDR Engineering for the realignment of Gardener Street. He reported the City has an agreement with the Railroad and the State that in exchange for the closure of the Hawkins Street railroad crossing, the City will be reimbursed for the cost of removal for the Hawkins Street Bridge and the re-alignment of Gardener Street at Aiken Street. He noted the proposal from HDR Engineering is structured as a billable hour contract with an amount not to exceed \$44,874. Mr. Chambers reported the estimated cost of construction for this work is \$55,678.

After a brief discussion, Councilman Mark Singleton moved to approve and engineering contract with HDR Engineering for the realignment of Gardener Street not to exceed \$44,874. Councilman Kevin Strength seconded, **All Ayes.**

Public Works Director Jeff Chambers presented and Engineering Proposal with Kimley-Horne for a deceleration lane on Highway 287 Bypass service road at Park Place. He reported the proposal is broken into two (2) separate amounts. There is a total lump sum fee of \$20,400 for basic services and it sets an amount not to exceed of \$8,000 for what is typically referred to as special services, and can be labeled as reimbursable, bringing the total proposal to a maximum of \$28,400. Mr. Chambers reported the estimated cost of the total project is \$100,000, which would come out of his budget.

After further discussion, Councilman Mark Singleton moved to table the Engineering Proposal with Kimley-Horne for a deceleration lane on Highway 287 Bypass service road at Park Place until the City Council meeting of May 16, 2011. Councilman Kevin Strength seconded, the vote was as follows:

Ayes: Buck Jordan
 John Wray
 Kevin Strength
 Mark Singleton

Noes: Chuck Beatty

Abstain: None

The motion carried.

Assistant City Manager Michael Scott reported at a previous Council meeting recommendation from the TIRZ Board was presented for funding of a replacement roof at the Fraternal Lodge located at 441 MLK Boulevard. He noted Council tabled approval in order to further investigate

the structure to ensure the owners, Bethesda Education Foundation, would have a sound structure to begin its restoration efforts. Mr. Scott reported he and a City Building Inspector toured the building to assess the needs to prevent further water infiltration resulting in damage to the interior and concluded the most pressing need is providing a sound roof structure with proper drainage systems. He recommended approving the \$25,000 sum from the TIRZ funds to reconstruct and surface the roof, add proper drainage scuppers and downspouts, and repair the front awning, as well as make minor interior improvements such as some damaged sheetrock, roof trusses, insulation and mold. Mr. Scott noted Council may want to consider tying this expenditure to a milestone such as successfully raising funds and securing the National Trust grant to hire an architect to complete a historically sensitive master plan for the structure.

Councilman Mark Singleton recommended considering a document as a loan agreement to make sure the vision of the structure is reached.

City Attorney Steve Chapman referenced Chapter 380 of the Local Government Code noting it has provisions in allowing a program for making loans and grants of public money to stimulate a business in the municipality. Mr. Chapman recommended the City have an agreement with the Foundation.

Council discussed a security agreement with the conditions of the building being restored in five to ten years. If conditions are met, the loan will be forgiven. If the loan defaults, a lien could be placed on the building or the building could revert to city ownership.

Councilman Chuck Beatty noted he did not see a need to sign an agreement.

After further discussion, Councilman Mark Singleton moved to approve \$25,000, to be used to repair the roof, windows and interior as presented above, contingent upon a signed security agreement between the City of Waxahachie and Bethesda Education Foundation, with the ability to allow five to ten years to forgive the debt. Mayor Pro Tem John Wray seconded, the vote was as follows:

Ayes: Buck Jordan
 John Wray
 Kevin Strength
 Mark Singleton

Noes: Chuck Beatty

Abstain: None

The motion carried.

Assistant City Manager Michael Scott presented the following bids received for Fire Station #2:

General Contractor	Base Bid	Calendar days to Complete Project
Pete Durant & Associates	\$3,317,500	365
FHC Contracting	\$3,382,899	280
The Nay Company	\$3,399,477	300
The Corbet Group	\$3,083,000	298
3i Construction	\$3,460,100	305

Mr. Scott reported low bidder was The Corbet Group with a base bid of \$3,083,000. He noted he and the Architect, Anthony Mottla, confirmed qualifications and recommended to award the General Contractor for Fire Station #2 to the Corbet Group.

Councilman Mark Singleton moved the bid for the General Contractor for Fire Station #2 be awarded to The Corbet Group in the amount of \$3,083,000.00. Councilman Kevin Strength seconded, **All Ayes.**

Public Works Director Jeff Chambers presented an Engineering Services Proposal, in the amount of \$91,350, from Birkhoff, Hendricks & Carter for the Wyatt Street Paving and Drainage Improvements.

City Manager Paul Stevens noted the language on agenda is written to consider engineering contract with Birkhoff, Hendricks & Carter for Wyatt Street paving and drainage improvements or the 2011 Street Rehab Program.

Councilman Chuck Beatty moved to approve the Engineering Services Proposal, in the amount of \$91,350, from Birkhoff, Hendricks & Carter for the Wyatt Street Paving and Drainage Improvements.

The motion died due to lack of a second.

Councilman Mark Singleton noted spending \$650,000 for 1,100 foot of road is inappropriate and the City should not be spending this kind of money on the Wyatt Street Paving and Drainage Improvements.

Councilman Beatty noted Wyatt Street needs to be approved due to the safety of the fire trucks that will travel Wyatt Street in the near future and noted the street needs to be improved when the new fire station is constructed.

Councilman Singleton suggested the city install signs down Wyatt Street warning drivers to slow down. He noted when the new fire station is constructed and fire trucks go down Wyatt, they will have to reduce their speed to 10 mph.

Fire Chief David Hudgins expressed concern with fire trucks going down Wyatt Street in its current condition and noted the trucks will not be able to take this type of road abuse. He noted he will not ask his firefighters to slow down in an emergency situation.

After a lengthy discussion, Councilman Mark Singleton moved to table the Engineering contract with Birkhoff, Hendricks & Carter for Wyatt Street Paving and drainage improvements or 2011 Street Rehab Program until the City Council meeting of May 16, 2011.

Councilman Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens asked Council to set a date to canvass the election returns of the City Council Election to be held on Saturday, May 14, 2011. He noted usually Council canvasses votes on the Tuesday after the election which would be May 17, 2011.

After a brief discussion, the consensus of the Council was to canvass the election results, re-organize City Council and administer Oaths of Office on Tuesday, May 17, 2011 at 5:00 p.m.

CITIZENS' PETITIONS AND REQUEST

Mayor Buck Jordan recognized Boy Scout Blake Penney with Troop 785, who was in attendance as a requirement of earning his merit badge.

Mayor Jordan thanked Police and Fire, Public Works, DPS, Midlothian Police and Fire and Red Oak Police and Fire for their assistance to the Ramirez family last week.

Ms. Debra Wakeland, President and CEO of the Chamber of Commerce, thanked Council for approving street closures for weekend events. She announced the Texas Musicians Museum opens Thursday, May 5, 2011 from 7:00 p.m. - 10:00 p.m. at the Rogers Hotel. Wednesday, May 4, 2011 is Lunch Bunch at Oma's Jiffy Burger.

Ms. Betty Jefferson, 116 Bradshaw, Waxahachie, asked Council how bad does it have to get before Wyatt Street becomes a concern and priority noting tax payers do live on the east side of Waxahachie. She asked Council to study how much maintenance funds are being used in keeping up the roads on the east side of Waxahachie.

There being no further business the meeting adjourned at 9:38 p.m.

Respectfully submitted,

Lori Saunders
City Secretary