

City Council
May 16, 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 16, 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 Kevin Strength gave the invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of May 2, 2011
- b. Minutes of the City Council Work Session of May 2, 2011
- c. Minutes of the regular Planning and Zoning Commission meeting of May 11, 2011
- d. Minutes of the Heritage Preservation Commission meeting of April 14, 2011
- e. Monthly Violation Activity Statistics Report for April 2011
- f. Monthly Code Enforcement Report for April 2011
- g. Monthly Crime Report for April 2011
- h. Monthly Fire and EMS Reports for March and April, 2011
- i. Approve parade route for the 14th Annual Crape Myrtle Festival hosted by the Chamber of Commerce
- j. Approve Crape Myrtle Fireworks display hosted by the Chamber of Commerce

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

Mayor Buck Jordan read a Proclamation proclaiming May 15-21, 2011 as Police Week and May 15, 2011 as Peace Officers' Memorial Day and presented it to Police Chief Chuck Edge.

Mayor Buck Jordan read a Proclamation proclaiming June 4, 2011 to July 4, 2011 as Crape Myrtle Month and presented it to members of the Crape Myrtle Festival Committee.

Mr. Mike Crow, The Ranch Radio, reported at the Council meeting of May 2, 2011, Council approved street closure for The Ranch Kick-off Summer Street Dance. Street closure was approved for North College Street from Main Street to Water Street. Mr. Crow requested additional street closure closing Jackson Street from Business 287 to the George Brown Plaza. Mr. Crow stated the event will be held on June 18, 2011.

Police Chief Chuck Edge noted closing College and Jackson as requested would be a hindrance leaving the Police Department to answer calls.

After further discussion, Mr. Crow preferred to close College Street versus Jackson as previously approved by Council.

Mr. Crow asked Council to consider amending the alcohol ordinance to allow alcohol at outdoor events.

City Manager Paul Stevens noted Staff can research the alcohol ordinance and bring an amended ordinance for Council's consideration.

Mayor Buck Jordan opened the Public Hearing on Zoning Amendment Request No. 2011-09: Request by PDC Midwest for a Site Plan approval within a Planned Development-25-Commercial (PD-25-C) Zoning District to add on to existing facility and add new Memory Care Unit located at 2250 Brown Street, being 3.770 acres in the JA Adams Survey, Abstract No. 5 - Owner: Alterra Healthcare Group.

Planning Director Clyde Melick reported the Applicant is doubling their existing facility to add a Memory Care Unit and noted the Planning and Zoning Commission approved the request unanimously.

There being no others to speak for or against Zoning Amendment Request No. 2011-09, Mayor Jordan closed the Public Hearing.

Mayor Pro Tem John Wray moved to approve Zoning Amendment Request No. 2011-09: Request by PDC Midwest for a Site Plan approval within a Planned Development-25-Commercial (PD-25-C) Zoning District to add on to existing facility and add new Memory Care Unit located at 2250 Brown Street, being 3.770 acres in the JA Adams Survey, Abstract No. 5 - Owner: Alterra Healthcare Group. Councilman Kevin Strength seconded, **All Ayes.**

Planning Director Clyde Melick presented a Replat of Lot 1R, Block 2, University Annex Addition as Lots 1R-A and 1R-2, Block 2, University Annex Addition located at 904 Sycamore and 908 Sycamore Owner: Church of God Evangelistic Association (RP 2011-07). He reported

the Applicant wishes to replat one lot into two, one for a current church and one for a current residence.

Councilman Mark Singleton moved to approve a Replat of Lot 1R, Block 2, University Annex Addition as Lots 1R-A and 1R-2, Block 2, University Annex Addition located at 904 Sycamore and 908 Sycamore Owner: Church of God Evangelistic Association (RP 2011-07). Councilman Kevin Strength seconded, All Ayes.

Mr. Bobby Glass, 121 Eagle Point, Waxahachie, requested approval on a Final Plat of Lot 4R-C and 5R-A, Block A, RVG Plaza being a Replat of Lot 4R-B and 5, Block A, RVG Plaza Owner: Bobby Glass (RP 2011-08). He noted this would replat two lots to re-configure the boundary between Lots 5R-A and Lot 4R-C.

Councilman Kevin Strength moved to approve the Final Plat of Lot 4R-C and 5R-A, Block A, RVG Plaza being a Replat of Lot 4R-B and 5, Block A, RVG Plaza Owner: Bobby Glass (RP 2011-08). Councilman Chuck Beatty seconded, All Ayes.

City Manager Paul Stevens reported bids were opened for the exterior and roof repairs for City Hall on Wednesday, April 27, 2011. Low bid for the roof repair was Jeff Eubanks Roofing Company in the amount of \$265,220. Low bid for the exterior repair was Lone Star Waterproofing in the amount of \$722,600. Mr. Stevens noted in February of 2011 the estimated repairs including professional services was \$1.3 million and with these bids, the estimate is now just over \$1.2 million.

Bid Tabulation for Exterior Roofing and Repairs:

Company	Bid Amount
Jeff Eubanks Roofing	\$265,220
K-Post Company	\$332,464

Bid Tabulation for Exterior Preservation and Repairs:

Company	Bid Amount
Lone Star	\$722,600
North Texas Waterproofing	\$769,589
Mid-Continental	\$830,232
ProofRock	\$1,393,320

Councilman Chuck Beatty moved to approve the contract for the roof repair to Jeff Eubanks Roofing Company in the amount of \$265,220 and approve the contract for exterior repairs to Lone Star Waterproofing in the amount of \$722,600. Mayor Pro Tem John Wray seconded, All Ayes.

Mr. Neal White, Chairman of the Chamber of Commerce Board of Directors, noted the City currently has a contract with the Chamber of Commerce that includes the Convention & Visitors Bureau. He reported the current contract includes Convention & Visitors Bureau services and 75% of Hotel/Motel Tax funds allocated to operate the Convention & Visitors Bureau. Mr. White reported the Board of Directors wishes to give the City the opportunity to reallocate these funds to provide Convention & Visitors Bureau services under a different structure. He noted before the restructuring of the Convention & Visitors Bureau, the Chamber will need to terminate the current contract and reported at the Chamber Board of Directors meeting of May 11, 2011, the motion to terminate the contract was approved.

Assistant City Manager Michael Scott reported the two (2) employees of the Convention & Visitors Bureau will become city employees and will be paid out of the hotel/motel tax fund. The Director will relocate to the Civic Center and be under the direction of the Waxahachie Community Development Corporation working with the Sports Complex and Civic Center to put heads in beds. The second employee will currently retain a presence at the Chamber office.

He reported the Chamber of Commerce requested the following conditions:

Continue shared current cooperative marketing initiatives of the Waxahachie Chamber of Commerce and Convention & Visitors Bureau

Provide an ex-officio (advisor) position on the Waxahachie Community Development Corporation for the Convention & Visitors Bureau

Retain a presence at the Chamber of Commerce offices for a Convention & Visitors Bureau position

Mr. Scott noted before any restructuring of the Convention & Visitors Bureau, the Council will need to accept the Chamber's offer to mutually terminate the current agreement and proceed with the transaction. If accepted an Ordinance accepting the Chamber's proposal to terminate the existing contract would be drafted for adoption and presented at the Council meeting of June 6, 2011 for consideration.

After further discussion, Councilman Kevin Strength move to accept the Chamber of Commerce offer to mutually terminate early the current contract for Convention & Visitors Bureau services through the Waxahachie Chamber of Commerce. Councilman Mark Singleton seconded, **All Ayes.**

Assistant City Manager Michael Scott reported in May of 2009 the City of Waxahachie entered into a two (2) year agreement with Main Street Productions to operate the Texas Theater. The agreement provides for two (2) additional two-year extensions upon mutual agreement by both parties. Mr. Scott noted on May 6, 2011 Mr. Tim Eaton, General Manager of the Texas Theater provided an annual report on the activities at the Theater to the Waxahachie Partnership, Inc. Board of Directors. Mr. Eaton requested a two-year extension to the current operator agreement.

The Board unanimously approved his request and is recommending to the Council to authorize the same.

Mr. Tim Eaton, General Manager at the Texas Theater, reported the past two (2) years have been good years with last year being more difficult economically. He noted he is continuing to analyze what people will pay to see and where and how to spend money under the current economic conditions. Mr. Eaton announced the Waxahachie Newspaper elected the Theater as the best entertainment venue in Ellis County. He requested a two-year extension to the current operating agreement.

Councilman Kevin Strength moved to extend the current operating agreement between the City of Waxahachie and Mr. Tim Eaton, President of Main Street Productions for two (2) years.

Public Works Director Jeff Chambers reported at the last Council meeting consideration for an engineering contract with Kimley-Horne for a deceleration lane to serve Park Place Boulevard at its intersection with Highway 287 Bypass northbound service road was tabled. He noted the actual benchmark that was acceptable to TxDot for the construction of the deceleration lane was the build-out of 75% of the lots in the Park Place Addition. In 2006, the developer's original estimates anticipated that it would take approximately 10 years to build-out 75% of the addition, and currently in 2011 (six years ahead of schedule) the addition is nearly built-out.

Mr. Chambers noted, in addition to Park Place being nearly completed, a second phase of Garden Valley has also been completed, an elementary school is in operation, and a new connection to Indian Hills has also been added. He noted the turning volume has surpassed TxDot's fifty (50) vehicle per hour threshold and explained in order to allow continued development in this area we must begin the process of the engineering and then construction the deceleration lane. Mr. Chambers explained without this facility it will be necessary to deny, for lack of adequate infrastructure, any future plats located in this area and noted as a requirement of the Subdivision Ordinance, any future plats in this area will have to be denied. He reported the estimate cost for the deceleration lane is \$200,000.

City Attorney Steve Chapman noted TxDot sets the standards and the City has not been in a position to be non-compliant with TxDot.

Councilman Mark Singleton moved to deny the Engineering Contract with Kimley-Horne for a deceleration lane at Park Place. Motion died due to lack of second.

Councilman Kevin Strength moved to revisit the contract at the next Council Budget Retreat.

Councilman Mark Singleton seconded, the vote was as follows:

Ayes: Buck Jordan
 John Wray
 Kevin Strength

Mark Singleton

Noes: Chuck Beatty

Abstain: None

The motion carried.

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 or consider the 2011 Street Rehabilitation Program.

Mayor Pro Tem John Wray moved to deny an Engineering Services Proposal, in the amount of \$91,350, from Birkhoff, Hendricks & Carter for the Wyatt Street Paving and Drainage Improvements. Councilman Mark Singleton seconded, the vote was as follows:

Ayes: Buck Jordan
John Wray
Kevin Strength
Mark Singleton

Noes: Chuck Beatty

Abstain: None

The motion carried.

City Manager Paul Stevens noted Public Works Director Jeff Chambers had some information to provide with an alternate as far as repairing Wyatt Street and with Council's denying an Engineering Services Proposal, in the amount of \$91,350, from Birkhoff, Hendricks & Carter for the Wyatt Street Paving, he asked for Council's direction on the 2011 Street Rehabilitation Program. Mr. Stevens noted at previous council meetings there was discussion of a street rehabilitation program for this physical year or possibly carrying the rehab to the next physical year.

The consensus of the Council was to carry the 2011 Street Rehabilitation Program over to the 2012 physical year.

CITIZENS' PETITIONS AND REQUEST

None

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

Mayor Buck Jordan recognized Councilman Kevin Strength's father in the audience and thanked him for his attendance.

There being no further business the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Lori Saunders
City Secretary