

CITY OF ENNIS COMMISSION REGULAR MEETING

MAY 20, 2013

7:00 P.M.

Mayor Thomas called the meeting to order at 7:20 p.m. on May 20, 2013, in the City Commission Chambers of the City of Ennis Municipal Building, 115 W. Brown Street, Ennis, Texas 75119.

PRESENT: Mayor Thomas, Commissioners Salik, Frazier, Haupt, Walker, and Searcy, City Manager Howerton, City Attorney Wilson, Chief Erisman, and City Secretary Batchler.

Commissioner Holley was not in attendance.

INVOCATION: Commissioner Frazier

PLEDGE OF ALLEGIANCE was led by Mayor Thomas.

ROLL CALL to determine the presence of a quorum: The City Secretary called the roll and determined that a quorum was present.

MINUTES of the May 6, 2013, workshop were approved as presented on a motion by Commissioner Searcy, seconded by Commissioner Salik with all members present voting AYE. Minutes of the May 6, 2013, regular meeting were approved as presented on a motion by Commissioner Frazier and seconded by Commissioner Salik with all members present voting AYE.

PUBLIC HEARING

Mayor Thomas opened the public hearings at 7:23 p.m.

ORDINANCE 13-05-03 APPROVING AND ADOPTING RATE SCHEDULE "RRM-RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION, TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; 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 ACSC LEGAL COUNSEL.

City Manager Howerton explained that the City of Ennis, along with 154 other cities served by Atmos Energy Corporation, is a member of the Atmos Cities Steering Committee. The Steering Committee and Atmos Energy Corporation agreed to implement an annual rate review mechanism as a temporary replacement for the statutory mechanism. The Steering Committee

and Atmos Energy Corporation have reached a tentative agreement to be in effect for a four-year period from 2013 to 2017 resulting in a better deal for the Atmos' customers than if implemented under the statutory mechanism. The adjustment lowers Atmos Energy Corporation's rate request by at least \$3 million each year from the request of approximately \$5 million in rate adjustments. City Staff recommends approval and adoption of Ordinance No. 13-05-03.

FIRST READING OF ORDINANCE NO. 13-05-03 APPROVING AND ADOPTING RATE SCHEDULE "RRM-RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION, TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; 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 ACSC LEGAL COUNSEL, caption of which is as follows:

ORDINANCE NO. 13-05-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM" – RATE REVIEW MECHANISM" FOR ATMOS ENERGY – CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; 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 ACSC LEGAL COUNSEL.

Commissioner Salik moved to adopt Ordinance No. 13-05-03 under first reading, Commissioner Searcy seconded the motion. Mayor Thomas stated the motion was taken under public comment and there being none asked for the vote. All members in attendance voted AYE. Motion carried.

ORDINANCE NO. 13-05-04 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM "T" (TRANSITION DISTRICT) TO "C-PD" (COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) FOR APPROXIMATELY 10.35 ACRES OF THE JOSEPH A. LANE SURVEY, ABSTRACT NUMBER 656, AND THE J.F. CRAWFORD SURVEY, ABSTRACT NUMBER 250, LOCATED IN THE 2400 BLOCK OF EAST ENNIS AVENUE, ENNIS, ELLIS COUNTY, TEXAS. OWNER IS BEHROUZ SHAKERIAN AND ORABI SANA REPRESENTED BY DAVID MALISKA. P&Z CASE #13.04.02. The City Manager stated that out of seven (7) property owners notified, one (1) was returned with "FOR" prior to the deadline. There were zero (0) "AGAINST" and zero (0) "AGAINST AND LEGAL PROTEST". The Planning and Zoning Commission met and voted to approve the change in the Zoning Ordinance on May 13, 2013.

FIRST READING OF ORDINANCE 13-05-04 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM “T” (TRANSITION DISTRICT) TO “C-PD” (COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) FOR APPROXIMATELY 10.35 ACRES OF THE JOSEPH A. LANE SURVEY, ABSTRACT NUMBER 656, AND THE J.F. CRAWFORD SURVEY, ABSTRACT NUMBER 250, LOCATED IN THE 2400 BLOCK OF EAST ENNIS AVENUE, ENNIS, ELLIS COUNTY, TEXAS. P & Z CASE #13.04.02, caption of which follows:

ORDINANCE NO. 13-05-04

AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RECLASSIFY APPROXIMATELY 10.35 ACRES OF THE JOSEPH A. LANE SURVEY, ABSTRACT NUMBER 656, AND THE J.F. CRAWFORD SURVEY ABSTRACT NUMBER 250 LOCATED IN THE 2400 BLOCK OF EAST ENNIS AVENUE, ENNIS, ELLIS COUNTY, TEXAS. FROM “T” TRANSITION DISTRICT TO “C-PD” (COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) AND DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILTY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Frazier moved to adopt Ordinance No. 13-05-04 under first reading, Commissioner Haupt seconded the motion. Mayor Thomas asked for public comment and Ron Haskovec spoke as a proponent for the zoning change. The Mayor asked for a vote and all members in attendance voted AYE.

ORDINANCE 13-05-05 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM “IN-PD” (INSTITUTIONAL DISTRICT-PLANNED DEVELOPMENT) TO “HC-PD” (HEAVY COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) WITH A SPECIFIC USE PERMIT FOR TRACT 109, JOHN DOUTHET SURVEY NUMBER 305, LOCATED AT 803 WEST LAMPASAS STREET, ENNIS, ELLIS COUNTY, TEXAS. OWNER IS ADVANCE CHILD CARE, INC. REPRESENTED BY TEXAS COMPLIANCE SOLUTIONS. P&Z CASE #13.03.01. Thirty-nine (39) property owners within the notification area were notified. Four (4) notices returned “FOR” the requested change. There were zero (0) “AGAINST” and zero (0) “AGAINST & LEGAL PROTEST” filed before the deadline. The Planning and Zoning Commission met on May 13, 2013 and voted to approve the request for change with “Conditions and Limitations” stated in correspondence from Texas Compliance Solutions dated March 13, 2013.

FIRST READING OF ORDINANCE 13-05-05 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM “IN-PD” (INSTITUTIONAL DISTRICT-PLANNED DEVELOPMENT) TO “HC-PF” (HEAVY COMMERCIAL-PLANNED DEVELOPMENT

DISTRICT) WITH A SPECIFIC USE PERMIT FOR TRACT 109, JOHN DOUTHET SURVEY NUMBER 305, LOCATED AT 803 WEST LAMPASAS STREET, ENNIS, ELLIS COUNTY, TEXAS, caption of which follows:

ORDINANCE NO. 13-05-05

AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RECLASSIFY WITH A SPECIFIC USE PERMIT FOR TRACT 109, JOHN DOUTHET SURVEY NUMBER 305, LOCATED AT 803 WEST LAMPASAS STREET, ENNIS, ELLIS COUNTY, TEXAS. FROM “IN-PD” (INSTITUTIONAL DISTRICT-PLANNED DEVELOPMENT) TO “HC-PD” (HEAVY COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) WITH SPECIFIC USE PERMIT AND DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Frazier moved to adopt Ordinance No. 13-05-05 on first reading with Conditions and Limitations stated in correspondence from Texas Compliance Solutions dated March 13, 2013, attached hereto as a Specific Use Permit and Commissioner Salik seconded the motion. The Mayor asked for public comment and there was none. All members in attendance voted AYE. Motion carried.

At 7:30 p.m. Commissioner Searcy moved to close the public hearings. Commissioner Haupt seconded and all members in attendance vote AYE.

NEW BUSINESS

INTERLOCAL AGREEMENT BETWEEN THE CITY OF ENNIS, TEXAS AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR DEVELOPMENT OF MITIGATION PLANS. City Manager Howerton explained that the Interlocal Agreement between the City and NCTCOG will provide for the development of a FEMA approved Hazard Mitigation Action Plan for the City through a grant the NCTCOG has been awarded. The City will be asked to supply NCTCOG with information for the 25% local in-kind match. Commissioner Salik moved to approve the interlocal agreement. Seconded by Commissioner Walker, all members in attendance voted AYE.

PUBLIC FACILITIES USE PERMIT FOR THE 2013 POLKAFEST WALK/RUN (ROTARY CLUB OF ENNIS) The Rotary Club of Ennis has requested a Public Facilities Use Permit for Saturday, May 25, 2013 from 5:00 a.m. to 12:00 noon. For the 2013 Polkafest Walk/Run. Liability Declaration of Insurance Coverage naming the City of Ennis has been provided. Commissioner Searcy moved to grant the permit, seconded by Commissioner Haupt with all members present voting AYE.

RECOVERY EFFORTS RELATING TO THE MAY 16, 2013 TORNADO. City Manager Howerton provided information to the Commission on the recovery efforts of the May 16, 2013 tornado as follows:

Damaged Commercial Structures

Severe Damage	20 Structures	
Jungle Jacks	905 E Ennis Ave	Sign damage/Pole Lights/Damaged Windows
Dairy Queen	1005 E Ennis Ave	Damage to front of Building and Roof
Wall Chinese	1001 E Ennis Ave	Failure of East wall/sign damage
Thornhill Auto	100 N Kaufman	Major Roof Damage/Major Front Damage
Braums	900 E Ennis Ave	Sign Damage(Extensive)
Texas Rustic Furniture	215 W Ennis Ave	Roof Damage and Façade Damage
His Gifts	213 W Ennis Ave	Roof Damage and Façade Damage
Sports Connection	218 W Ennis	Front and Side glass broken/Roof leaks
Allen Samuels	305 S I45	Front Sign Damage/Major Window Damage
Heavenly Donuts	100 S Dallas	Roof Damage and Awning
	107 S Dallas	Roof Damage and Awning
	110 S Dallas	Window Damage
	113,115 W Ennis Ave	Roof Damage
City Real Estate	115 S Dallas	Roof Damage
Hair Salon	108 S Dallas	Awning Damage
	111 S Dallas	Awning Damage
	118 W Brown	Window Damage
	207 S I45	Major Roof Damage
Ennis Inn	1103 E Ennis Avenue	Roof Damage/Awning Damage
Doc's Beverage	112 E Ennis Ave	Major Front and Awning Damage
East Bay Motorcycle		
Moderate Damage	8 Structures	
National Beauty School	305 SW Main	Damaged Awning and Electrical
	200 SE Main	Awning Damage
	105 S Kaufman	Window Damage
	101 S Kaufman	Roof and Wall Damage/Electrical
	102 S Dallas	Damage to front windows and awnings
ByGones Antiques	104 S Dallas	Damage to front windows and awnings
	106 S Dallas	Damage to front windows and awnings
Bubba's BBQ	210 S I45	Roof Damage
Slight Damage	27 Structures	
IHOP	111 S I 45	Roof Damage/Sign Damage
McDonalds	1203 E Ennis Ave	Sign Damage/Window Damage
Jack IN the Box	1102 E Ennis Ave	Sign Damage/Minor Window Damage
	1000 E Ennis Ave	Sign Damage

Chili's	1006 E Ennis Ave	Sign Damage
Wendy's	1002 E Ennis Ave	TOC Damage
Action Pawn	806 E Ennis Ave	Sign Damage
Tobacco Shop	800 E Ennis C	Sign Damage
Wal-Mart	700 E Ennis	Sign At Laurel is damaged
Flower shop	402 W Ennis	Sign Damage
Sam's	401 W Ennis	Damaged Soffits and Roof Damage
Oreiley's	305 W Ennis	Sign Damage
Lucky Nail	305 B W Ennis	Front window Damage
Beer Warehouse	100 S Kaufman 201 E Ennis Avenue	Windows TOC Damage
Allen Samuels	405 S I45	Minor Damage to ceiling/Sign Damage
Taco Bell	1107 E Ennis Ave	Roof Damage, Ceiling Damage
Taco Cabana	203 S I45	Electrical Damage
KC Hall	850 S I45	Sign Damage
TSC	300 S I45 206 S I45	Sign Damage Roof Damage Sign Damage/Window Damage/Minor Roof Damage
Baymont Inn	100 S I45	Damage
Travis Elementary	200 N Shawnee 305 E Knox	Sign Damage Sign Damage
Machine Shop	104,106 S Main 101 NW Main 200A W Ennis Ave	Major Roof Damage Windows Broken Sign Damage

Damaged Residential Structures

Heavy Damage

128 Brannan

124 Lumkin

1803 Jupiter

401 Lumkin

4 Structures

Unsafe Structure-roof
Damage

Unsafe Structure Heavy Roof Damage/Garage

Colapse

Unsafe Structure-roof

Damage

Unsafe Structure-window and Rear Wall Damage

Moderate Damage

124 Brannan

400 Lumkin

6 Structures

Roof Damage

Roof Damage/Chimney Missing/Garage Door

Damage

402 Lumkin	Roof Damage/Chimney Missing/Garage Door Damage
404 Lumkin	Roof Damage/Chimney Missing/Garage Door Damage
130 Lumkin	Roof Damage/Window Broken/(Injury Took place)
128 Lumkin	Roof Damage
Slight Damage	7 Structures
1810 Jupiter	Minor Roof Damage
1808 Jupiter	Minor Roof Damage
1807 Jupiter	Minor Roof Damage
1504 Pacific	Minor Roof Damage
1500 Pacific	Minor Roof Damage
604 Arelta	Minor Roof Damage
902 Quinlan	Awning

ENNIS TORNADO

MAY 16-18, 2013

EOC LOG

DATE	TIME	EVENT
MAY 16, 2013	12:02 AM	EF-1 TORNADO STRIKES ENNIS
MAY 16, 2013	12:28 AM	EOC ACTIVATED
MAY 16, 2013	12:39 AM	DEM RLO NOTIFIED
MAY 16, 2013	12:41 AM	CITY DEBRIS RESPONSE CREWS
		DISPATCHED (STREET)
MAY 16, 2013	12:44 AM	CONTACT ESTABLISHED WITH RED CROSS

MAY 16, 2013	12:56 AM	CONTACT ESTABLISHED WITH ONCOR
MAY 16, 2013	1:00 AM	ONCOR REPORTS 3,000 WITHOUT POWER
MAY 16, 2013	1:15 AM	CONTACT ESTABLISHED WITH ELLIS COUNTY EMERG. MGMT.
MAY 16, 2013	1:09 AM	FIRST DAMAGE ASSESSMENT - CLAY TO ARELTA (SOUTH OF ENNIS AVE.)
MAY 16, 2013	1:43 AM	CONTACT ESTABLISHED WITH COUNTY JUDGE
MAY 16, 2013	2:47 AM	SITUATION REPORT - 1 ISSUED
MAY 16, 2013	3:23 AM	POWER RESTORED TO CITY HALL
MAY 16, 2013	3:41 AM	DISASTER DECLARATION AND REQUEST TO GOVERNOR
MAY 16, 2013	3:55 AM	MEDIA CONTACT WITH ENNIS DAILY NEWS
MAY 16, 2013	5:23 AM	SITUATION REPORT - 2 ISSUED
MAY 16, 2013	5:30 AM	REQUESTED TXDOT ASSISTANCE WITH TRAFFIC CONTROL
MAY 16, 2013	5:37 AM	STATUS REPORT TO DEM RLO
MAY 16, 2013	5:53 AM	SITUATION REPORT - 3 ISSUED
MAY 16, 2013	5:56 AM	REVERSE 911 CALL EXPLAINING STATUS
MAY 16, 2013	5:48 AM	CONTACT ESTABLISHED WITH EISD SUPT.

MAY 16, 2013	6:00 AM	ONCOR DOWN TO 1,000 WITHOUT POWER
MAY 16, 2013	8:24 AM	CONTACTED CHAMBER REQUESTING CONTINGENCY PLANS FOR POLKA FESTIVAL
MAY 16, 2013	8:24 AM	HELICOPTER OVERFLIGHT OF TORNADO STRIKE ZONE
MAY 16, 2013	9:14 AM	CONTACT ESTABLISHED WITH ERM (ZACHERY)
MAY 16, 2013	9:27 AM	SITUATION REPORT - 4 ISSUED
MAY 16, 2013	9:37 AM	SITUATION REPORT - 5 ISSUED
MAY 16, 2013	11:18 AM	SITUATION REPORT - 6 ISSUED
MAY 16, 2013	1:00 PM	CITY COMMISSION BRIEFING
MAY 16, 2013	2:30 PM	DEPARTMENT HEAD BRIEFING
MAY 16, 2013	3:51 PM	SITUATION REPORT - 7 ISSUED
MAY 16, 2013	5:31 PM	SITUATION REPORT - 8 ISSUED
MAY 17, 2013	11:06 AM	SITUATION REPORT - 9 ISSUED
MAY 17 2013	11:30 AM	STRUCTURAL ENGINEERING ASSESSMENT
MAY 18, 2013	8:43 AM	SITUATION REPORT - 10 ISSUED

MAY 18, 2013	10:00 AM	HARD PERIMETER FOR COLLAPSE ZONE UNDER CONSTRUCTION
MAY 18, 2013	10:12 AM	SITUATION REPORT - 11 ISSUED
MAY 18, 2013	12:01 PM	CRANE BEGAN DEBRIS REMOVAL FROM ROOFS
MAY 18, 2013	3:30 PM	CRANE COMPLETED DEBRIS REMOVAL FROM ROOFS
MAY 18, 2013	9:00 PM	HARD PERIMETER FOR COLLAPSE ZONE CONSTRUCTION COMPLETE
MAY 19, 2013	7:46 AM	SITUATION REPORT - 12 ISSUED

POTENTIAL BUILDING COLLAPSE ZONE (PROCEDURES FOR OPERATION)

Following a structural engineering assessment conducted Friday, May 17, 2013, the City of Ennis has designated a "Potential Building Collapse Zone" around five (5) buildings in the 200 block of W. Ennis Ave. and the 100 block of S. Dallas. These buildings are deemed to have suffered serious structural damage and are considered to be "structural hazards". A hard perimeter (barricades/fencing) will be constructed during the weekend to secure this area. A "potential building collapse zone" is normally calculated to be 1.5 times building height.

Due to documented "structural hazards", the City of Ennis will need to follow procedures that ensure the safety of the public and City employees within the Potential Building Collapse Zone.

The following procedures will be followed within the Potential Build Collapse Zone:

1. No one will be allowed inside the buildings identified as "structural hazards" unless a Texas licensed professional engineer or architect has provided a specific, written authorization for entrance. The engineer issuing the authorization will understand that he/she is certifying that the building is safe for entrance.
2. Other than in the case of public emergency, no one will be authorized on top of the buildings identified as "structural hazards" unless a Texas licensed professional engineer or architect has provided a specific, written authorization for accessing the roof. The engineer issuing the authorization will understand that he/she is certifying that the building is safe for the intended purpose of accessing the roof.
3. Building restoration or demolition plans will be submitted to the City of Ennis by a Texas licensed professional engineer or architect and will undergo peer review by engineers retained by the City of Ennis

and by an engineer retained by any property owner with common wall connection to the “structural hazard”, if the owner of the common wall structure desires to review restoration or demolition plans.

4. A pass and entry system will be instituted by the City of Ennis to ensure only authorized entrance to the Potential Building Collapse Zone. The entry system will require a City of Ennis pass the states the name of the party entering, the purpose of the entry, and an approval signature by an authorizing official. The City Manager, the Fire Chief and the Chief of Police or their designees will provide the approvals for official purposes. An entry log system will be instituted to ensure the safe entrance and exit of all parties that access the Potential Building Collapse Zone.

AMENDMENT OF THE PUBLIC FACILITY USE PERMIT FOR THE 2013 POLKA FESTIVAL.
(SEE ATTACHED MAP)

Commissioner Salik moved to amend the Public Facility Use Permit for the 2013 Polka Festival (Ennis Chamber of Commerce), seconded by Commissioner Haupt. All members in attendance voted AYE

OLD BUSINESS

APPOINTMENTS TO CITY OF ENNIS BOARDS AND COMMISSIONS: There was no action taken.

REQUEST FROM CITY COMMISSION AND ROUNDTABLE: Commissioner Salik thanked all the City Employees for the cleanup after the tornado. Commissioner Frazier said it is good to be back. Commissioner Haupt welcomed Matt Walker to the Commission. Mayor Pro-tem Walker said he was glad to be here and ready to get to work. Commissioner Searcy welcomed Commissioner Walker, asked for prayers for those in the Oklahoma tornado of May 20, 2013, and thanked the City Manager and the City of Ennis. Mayor Thomas congratulated each on their elected positions.

With no further business, Mayor Thomas adjourned the meeting at 8:08 p.m.

Russell R. Thomas, Mayor

ATTEST:

Donna Batchler, City Secretary

