

CITY OF ENNIS COMMISSION REGULAR MEETING

SEPTEMBER 3, 2013

7:00 P.M.

Mayor Thomas called the meeting to order at 7:00 p.m. on September 3, 2013, in the City Commission Chambers of the City of Ennis Municipal Building, 115 W. Brown Street, Ennis, Texas 75119.

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

Commissioners Salik and Searcy were 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 August 19, 2013, workshop were approved on a motion by Commissioner Frazier, seconded by Commissioner Holley with all members present voting AYE. Minutes of the, August 19, 2013, regular meeting were approved on a motion by Commissioner Holley and seconded by Commissioner Frazier with all members present voting AYE.

BID AWARDS

"E 13-11" CITY OF ENNIS BANK DEPOSITORY Three (3) proposals were received for "E 13-11" (City of Ennis Bank Depository). Both the Prosperity Bank proposal and the First State Bank of Rice proposal were similar for service delivery and service charges; however, Ennis State Bank proposed service charges that are estimated to be \$5,609.70 per year. Using current advertised interest rates for each bank and netting out the cost for service charges, the projected net annual interest income for the City's four major investment accounts is estimated to be the following for each bank: Ennis State Bank - \$64,868.85, First State Bank of Rice - \$64,978.72 and Prosperity Bank - \$62,167.22. Projected "cost adjusted" interest income is virtually the same for each bank. There is one other difference in the proposals regarding interest bearing accounts. Prosperity Bank offered a guaranteed minimum interest rate ("floor") of 0.50 % on money market accounts and 0.40% on NOW accounts. Ennis State Bank and First State Bank of Rice did not offer a minimum interest rate ("floor") on any interest bearing accounts. Due to the difference in minimum interest rate guarantees for interest bearing

checking accounts and money market deposits, and Prosperity Bank's record of service as City Depository, Prosperity Bank is recommended for designation as the City of Ennis Bank Depository. Prosperity Bank has served as the City of Ennis Bank Depository since 1995 and has rendered satisfactory service during that period of time. The City of Ennis Bank Depository Contract is for a term of two (2) years commencing October 1, 2013 and ending September 30, 2015. Commissioner Walker moved to award the depository contract to Prosperity Bank for a period of two (2) years commencing October 1, 2013 and ending September 30, 2015. Commissioner Frazier seconded and all members in attendance voted AYE.

PUBLIC HEARINGS

Mayor Thomas opened the public hearings at 7:05 p.m.

ORDINANCE 13-09-01 ADOPTING THE CITY OF ENNIS, TEXAS BUDGET AND APPROPRIATING RESOURCES FOR THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013. The Budget estimate for the revenue and expenditures for the City of Ennis, Texas, was presented by the City Manager for the fiscal year beginning October 1, 2013, and ending September 30, 2014. The sum of \$17,223,723.00 is appropriated out of the General Fund as follows:

For Operating Expenses	\$13,423,388.00
Capital Outlay	\$ 323,352.00
General Obligation	
Bond Debt	<u>\$ 3,476,983.00</u>
TOTAL	\$17,223,723.00

The sum of \$8,568,206.00 is appropriated out of the Water and Sewer Fund as follows:

For Operating Expenses	\$ 6,118,295.00
Capital Outlay	\$ 231,814.00
I & S	<u>\$ 2,218,097.00</u>
TOTAL	\$ 8,568,206.00

The sum of \$5,815,279.00 is appropriated out of the General Obligation Bond Interest and Sinking Fund for the payment of bonds and interest coupons maturing within the year.

The sum of \$2,218,097.00 is hereby appropriated out of the Revenue Bond Interest and Sinking Fund for the payment of bonds and interest coupons maturing within the year.

FIRST READING OF ORDINANCE 13-09-01 ADOPTING THE CITY OF ENNIS, TEXAS BUDGET AND APPROPRIATING RESOURCES OF THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, caption of which follows:

ORDINANCE NO. 13-09-01

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, ADOPTING THE BUDGET, APPROPRIATING RESOURCES FOR THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013.

Commissioner Haupt moved to adopt Ordinance No. 13-09-01 under first reading, Commissioner Frazier seconded the motion. Mayor Thomas stated the motion was taken under public comment and there begin none asked for the vote. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

ORDINANCE NO. 13-09-02 AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, FIXING THE TAX RATE FOR THE CITY OF ENNIS, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 City Manager Howerton presented the ordinance as follows:

There is hereby levied and shall be assessed for the tax year of 2013-2014 an ad valorem tax of sixty-nine and fifty one hundredths cents (\$0.695) on each one hundred (\$100.00) valuation of property within the limits of the City of Ennis and subject to taxation, that such ad valorem tax shall all be appropriated to the General Fund and Interest and Sinking Fund as follows:

For the General Fund	\$ 0.448714
For the Interest & Sinking Fund	<u>\$ 0.246286</u>
TOTAL	\$ 0.695000

THIS TAX RATE WILL RAISE LESS TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE LOWERED BY 0.188447 PERCENT AND WILL LOWER TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$8.26.

The Tax Collector for the City of Ennis is hereby directed to levy for the 2013-2014 tax year the rates and amounts herein levied, and when such taxes are collected the City of Ennis is to distribute the collections in accordance with this ordinance.

Taxes are due and payable beginning October 1, 2013 through January 31, 2014 and all taxes become delinquent on February 1, 2014 with interest and penalty applied on and after that date.

The second public hearing is scheduled for September 10, 2013 at 5:30 p.m. to be held in the Municipal Building, 115 W. Brown St., Ennis, Texas. Second and final reading of the ordinance fixing the tax rate for FY 2013-2014 will be on September 16, 2013 at 7:00 p.m. in the Municipal Building, 115 W. Brown St., Ennis, Texas.

FIRST READING OF ORDINANCE NO. 13-09-02 ESTABLISHING THE TAX RATE FOR THE CITY OF ENNIS, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, caption of which follows:

ORDINANCE NO. 13-09-02

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, FIXING THE TAX RATE FOR THE CITY OF ENNIS, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013.

Commissioner Frazier moved to adopt Ordinance No. 13-09-02 under first reading, Commissioner Holley seconded the motion. Mayor Thomas stated the motion was taken under public comment and there being none asked for the vote. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

At 7:09 p.m. Commissioner Frazier moved to close the public hearings. Commissioner Walker seconded and all members in attendance voted AYE.

SECOND READING OF ORDINANCES

SECOND READING OF ORDINANCE NO. 13-08-01 ANNEXING APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, BEING HEREBY KNOWN AS 300 LANEVIEW ROAD, ELLIS COUNTY, TEXAS, caption of which follows:

ORDINANCE NO. 13-08-01

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ENNIS, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS, AS DEPICTED IN EXHIBIT "A" HEREAFTER ATTACHED, (ALL PORTIONS OF SAID TRACT NOT CURRENTLY IN CORPORATE LIMITS), WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ENNIS, TEXAS.

Commissioner Holley moved to adopt Ordinance No. 13-08-01 under second reading, Commissioner Haupt seconded the motion. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

SECOND READING OF ORDINANCE NO. 13-08-02 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 RE-CLASSIFY APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY,

ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS FROM "T" TRANSITION DISTRICT TO "R-1" (DWELLING DISTRICT, SINGLE FAMILY) IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE, caption of which follows:

ORDINANCE NO. 13-08-02

ORDINANCE NO. 13-08-02 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 RE-CLASSIFY APPROXIMATELY 1.8158 ACRES OF LAND IN PART OF THE R.R. JACKSON SURVEY, ABSTRACT NO. 550, RECORDED IN VOLUME 2694, PAGE 1906 OF THE DEED RECORDS OF ELLIS COUNTY AND KNOWN AS 300 LANEVIEW ROAD, ENNIS, ELLIS COUNTY, TEXAS, FROM "T" TRANSITION DISTRICT TO "R-1" (DWELLING DISTRICT, SINGLE FAMILY) IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Holley moved to adopt Ordinance No 13-08-02 under second reading, Commissioner Walker seconded the motion. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

SECOND READING OF ORDINANCE NO. 13-08-03 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 RE-CLASSIFY PROPERTY LOCATED AT 307 NORTH SHERMAN STREET, ALSO KNOWN AS EAST 46 FEET OF LOT 6, ALL OF LOT 7 AND 8, BLOCK 156 OLD TOWN ENNIS, 0.385 ACRES, ENNIS, ELLIS COUNTY, TEXAS, FROM "D" (DUPLEX DISTRICT) TO "R-5" (DWELLING DISTRICT, SINGLE FAMILY) WITH A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE. Condition of Specific Use Permit Issuance and Compliance:

1) Rezoning required ("D" Duplex to "R-5" Residential), 2) Specific Use Permit to current owner, only for Bed and Breakfast, only (with conditions). 3) Specific Use Permit will terminate upon transfer of ownership or violation of any condition of Permit issuance. 4) Bed and Breakfast must be owner-occupied. 5) Seven all weather-hard surface parking spaces required (asphalt or concrete pavement). 6) No rental for private events (receptions, parties, training, etc.). The only authorized use is Bed and Breakfast. 7) Facility must comply with all fire code requirements. 8) Facility must meet ADA requirements. Ramps (as required) must be fixed (permanent). 9) Bed and Breakfast occupancy may not exceed nine (9). 10) All building code, zoning ordinance and fire code requirements, and all conditions of the Specific Use Permit must be met before a Certificate of Occupancy will be issued. 11) Bed and Breakfast must be open under a valid Certificate of Occupancy within six (6) months of issuance of the Specific Use Permit or the Specific Use Permit will expire. Fifteen property owners were notified. Zero notices were returned with a "For" Vote. Two notices were returned with an "Against" Vote and two were returned with an "Against and Legal Protest" Vote. The protest account for 15.8 percent of the adjoining property, since that is less than twenty percent of the adjoining property there is no requirement for a ¾ majority vote for approval, caption of which follows.

ORDINANCE NO. 13-08-03

ORDINANCE NO. 13-08-03 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 RE-CLASSIFY PROPERTY LOCATED AT 307

NORTH SHERMAN STREET, ALSO KNOW AS EAST 46 FEET OF LOT 6, ALL OF LOT 7 AND 8, BLOCK 156 OLD TOWN ENNIS, 0.385 ACRES, ENNIS, ELLIS COUNTY, TEXAS, FROM “D” (DUPLEX DISTRICT) TO “R-5” (DWELLING DISTRICT, SINGLE FAMILY) WITH A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Walker moved to adopt Ordinance No. 13-08-03 under second reading, Commissioner Haupt seconded the motion. PASSED, APPROVED AND ADOPTED on a vote of AYE by all members in attendance.

NEW BUSINESS

RESOLUTION 13-09-03 AUTHORIZING AND APPROVING THE FY 2013-2014 ENNIS ECONOMIC DEVELOPMENT CORPORATION BUDGET WITH “PROJECTS PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE, SECTION 505.151 – 505.158 (USE OF 4B SALES TAX REVENUE). The City Manager presented the Economic Development Corporation Budget for Fiscal Year 201302014 as follows:

REVENUE

Unrestricted Fund Balance FY 2012-2013	\$1,017,510.00
Restricted Fund Balance for Industrial Park Development FY 2012-2013	\$5,725,471.00
Restricted Fund Balance for Future Airport Development FY 2012-2013	\$1,938,500.00
Anticipated Sales Tax Revenue FY 2013-2014	\$1,269,605.00
Anticipated Revenues from Use of Money and Property	\$ 22,897.00
Bond Proceeds – Restricted for Industrial Park Development	\$ 590,567.00
TOTAL REVENUE	\$10,564,550.00

EXPENDITURES

DEBT SERVICE

Sales Tax Revenue Bonds, Series 2003 (Sterilite Rd. and Rudd Rd.)	\$ 147,068.00
Sales Tax Revenue Bonds, Series 2004 (Ennis Industrial Park III)	\$ 106,482.00
Sales Tax Refunding Bonds, Series 2008	\$ 499,720.00
DEBT SERVICE TOTAL	\$ 753,270.00

FUNDED COMMITMENTS

Certificates of Obligation, Series 1998 (2012 Refunding)	\$ 120,200.00
Texas Capital Fund Repayment	\$ 22,794.00
FUNDED COMMITMENTS TOTAL	\$ 142,994.00

OPERATING AND CAPITAL EXPENDITURES

Christmas Lights (Pierce Park: \$20,000; Lights of Ennis Grant: \$15,000)	\$ 35,000.00
Economic Development Activities (Operations & Marketing)	\$ 80,000.00

Maintenance of Property and Facilities	\$ 290,561.00
Restricted for Future Airport Development	\$ 1,938,500.00
Restricted for Industrial Park Development (Capital – Sysco: \$2,000,000 of total)	\$6,733,658.00
OPERATING AND CAPITAL EXPENDITURES TOTAL	\$9,077,719.00
BOND PROCEEDS – RESTRICTED FOR INDUSTRIAL PARK DEVELOPMENT	\$ 590,567.00
TOTAL EXPENDITURES	\$10,564,550.00

NOMINATIONS FOR THE BOARD OF DIRECTORS OF THE ELLIS CENTRAL APPRAISAL DISTRICT. Nominations must be submitted to the Ellis Appraisal District before October 15, 2013. No action was taken.

CHARGE OFF OF DELINQUENT UTILITY AND AMBULANCE ACCOUNTS FOR THE PURPOSE OF COLLECTION BY THE OFFICE OF THE CITY ATTORNEY. Commissioner Frazier moved to charge off \$8,378.81 in delinquent utility accounts and submit to the City Attorney for collection purposes. Commissioner Haupt seconded and 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: There was no request or discussion.

With no further business, Mayor Thomas adjourned the meeting.

ATTEST:

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Russell R. Thomas, Mayor

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Donna Batchler, City Secretary

