

CITY OF ENNIS COMMISSION REGULAR MEETING

October 21, 2013

7:00 P.M.

Mayor Thomas called the meeting to order at 7:00 p.m. on, October 21, 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, City Secretary Batchler, and News Media.

Commissioner Holley was not in attendance.

INVOCATION: Commissioner Haupt

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 October 7, 2013, workshop were approved as presented on a motion by Commissioner Salik, seconded by Commissioner Frazier with all members present voting AYE. Minutes of the October 7, 2013, regular meeting were approved as presented on a motion by Commissioner Searcy and seconded by Commissioner Walker with all members present voting AYE.

PUBLIC HEARING

PROPOSED 2014 STREET BOND PROGRAM

The Mayor opened the public hearing at 7:02 p.m. City Manager Howerton reviewed the proposed 2014 Street Bond Program. The 2014 Street Bond Program consists of sixty-three (63) blocks of streets, approximately fourteen (14) miles of asphalt overlay. It is a six million dollar project and in the Spring of 2014 when final bids are awarded each Ward will be allocated approximately 1.2 million dollars in total authorized projects. After receiving final bids, if all the streets listed cannot be funded the prioritized streets in each Ward with the larger number identified by them will be the streets that will be removed from the 2014 Program.

**STREET BOND PROGRAM
2014
WARD 1**

"APPROVED 10-21-13"

STREET	SEGMENT	LENGTH	TRAFFIC COUNT	STRUCTURE COUNT	ESTIMATED COST	ESTIMATED COST/LF
2014 PROGRAM						
3 OLD TELICO	LUMPKIN TO BRANNAN	665	120	7	\$ 53,650.00	\$ 81.00
2 LUMPKIN	OLD TELICO TO END	1,275	160	18	\$ 138,280.00	\$ 108.00
4 E BROWN	RR TO MULBERRY	3,133	2,168	51	\$ 360,870.00	\$ 115.00
6 LAUREL	ENNIS TO LAMPASAS	1,661	1,341	17	\$ 196,700.00	\$ 118.00
7 E MILAM	RR TO LAUREL	2,177	1,185	40	\$ 288,640.00	\$ 133.00
1 S ELM	E BURNETT TO CREECHVILLE	1,471	329	20	\$ 117,940.00	\$ 80.00
5 MULBERRY	E BURNETT TO CREECHVILLE	1,471	654	22	\$ 126,820.00	\$ 86.00
8 SUNRISE	ELM TO S MULBERRY	529	126	7	\$ 41,620.00	\$ 79.00
9 CENTENNIAL	SH 34 E TO CARROL	809	783	4	\$ 90,300.00	\$ 112.00
SUBTOTAL		13,191	6,866	186	\$ 1,414,820.00	\$ 107.00



**STREET BOND
PROGRAM 2014
WARD 2**

"APPROVED 10-21-13"

STREET	SEGMENT	LENGTH	TRAFFIC COUNT	STRUCTURE COUNT	ESTIMATED COST	ESTIMATED COST/LF
2014 PROGRAM						
5 W CROCKETT	HALL TO CARLTON	880	236	6	\$ 81,870.00	\$ 93.00
4 S McKINNEY	CROCKETT TO MILAM	310	2,435	2	\$ 37,160.00	\$ 120.00
14 N SHERMAN	ENNIS TO W KNOX	376	5,908	26	\$ 48,200.00	\$ 128.00
6 S GAINES	W LAMPASAS TO W BROWN	1,081	684	18	\$ 138,070.00	\$ 103.00
1 AVE C	FM 1183 TO 4TH	1,221	583	26	\$ 114,990.00	\$ 94.00
7 CARLTON	W MADISON TO ANTHONY	895	388	23	\$ 106,960.00	\$ 120.00
3 ANTHONY	W MADISON TO EDGEWOOD	958	527	28	\$ 113,220.00	\$ 118.00
8 CARLTON	ENNIS TO W BROWN	272	1,223	1	\$ 28,140.00	\$ 103.00
12 W BROWN	CARLTON FOR 295' EAST	295	964	4	\$ 34,490.00	\$ 117.00
13 W BROWN	CARLTON TO HALL	825	223	118	\$ 79,140.00	\$ 96.00
2 ANN	W MADISON TO EDGEWOOD	943	349	30	\$ 96,500.00	\$ 102.00
9 W MADISON	SW MAIN TO CLAY	2,092	1,384	6	\$ 181,990.00	\$ 87.00
10 W BURNETT	SW MAIN TO MERIOTT	1,573	111	11	\$ 137,180.00	\$ 87.00
11 W MILAM	CARLTON TO HALL	835	99	12	\$ 73,210.00	\$ 88.00
SUBTOTAL		12,556	15,114	311	\$ 1,271,120.00	\$ 99.00



**STREET BOND PROGRAM
2014
WARD 3**

"APPROVED 10-21-13"

STREET	SEGMENT	LENGTH	TRAFFIC COUNT	STRUCTURE COUNT	ESTIMATED COST	ESTIMATED COST/LF
2014 PROGRAM						
13 ALEXANDER	PRESTON TO CLAY	846	134	12	\$ 70,780.00	\$ 136.00
13 N GAINES	ALEXANDER TO BALDRIDGE	1,007	113	16	\$ 92,660.00	\$ 92.00
1 PARK	BLUEBONNET HILL TO WOODLAWN	2,228	5,287	10	\$ 273,030.00	\$ 123.00
2 PHILLIPS	WOODLAWN TO 200' S OF LINDA	2,640	568	77	\$ 305,600.00	\$ 116.00
3 LINDA	CASA LINDA TO PHILLIPS	2,551	496	66	\$ 285,940.00	\$ 112.00
4 LYNDALE	BALDRIDGE TO NICHOLS	1,687	569	40	\$ 187,810.00	\$ 111.00
5 LOUISE	PARK TO CASA LINDA	861	383	18	\$ 96,850.00	\$ 112.00
6 GLENEAGLES	ST ANDREWS W 500'	435	377	6	\$ 75,980.00	\$ 88.00
13 HILLCREST	FM 1722 TO SUNSET	745	260	13	\$ 83,220.00	\$ 112.00
13 LARU	FM 1722 TO E END	341	127	9	\$ 51,150.00	\$ 150.00
6 CRESTRIDGE	BALDRIDGE TO AUSTIN	1,296	285	28	\$ 133,780.00	\$ 103.00
7 RED OAK	BALDRIDGE TO AUSTIN	792	189	17	\$ 82,490.00	\$ 104.00
9 LOY LANE	LYNDALE TO NICHOLS	868	222	21	\$ 90,320.00	\$ 104.00
10 LYNN CT	LYNDALE TO NICHOLS	862	191	17	\$ 90,430.00	\$ 105.00
11 CRAIG	PHILLIPS TO LINDA	322	119	4	\$ 33,850.00	\$ 105.00
12 LYNN CR	LYNN TO S END	148	33	5	\$ 15,500.00	\$ 105.00
SUBTOTAL		17,629	9,353	359	\$ 1,969,390.00	\$ 111.00




**STREET BOND
PROGRAM 2014
WARD 4**

"APPROVED 10-21-13"

STREET	SEGMENT	LENGTH	TRAFFIC COUNT	STRUCTURE COUNT	ESTIMATED COST	ESTIMATED COST/LF
2014 PROGRAM						
13 JONES	FREEMAN TO BELKNAP	2,310	118	10	\$ 196,300.00	\$ 85.00
7 E BAYLOR	RR TO E END	1,850	4,211	24	\$ 190,100.00	\$ 103.00
6 WASHINGTON	NW MAIN TO KAUFMAN	740	278	7	\$ 56,410.00	\$ 76.00
8 WASHINGTON	CRISP TO E END	1,107	546	10	\$ 84,450.00	\$ 76.00
2 JONES	CRISP TO WASHINGTON	778	193	15	\$ 59,310.00	\$ 76.00
1 FAULKNER	CRISP TO WASHINGTON	555	303	6	\$ 41,530.00	\$ 75.00
3 RIPLEY	CRISP TO WASHINGTON	363	101	5	\$ 27,100.00	\$ 75.00
12 LINDEN	KAUFMAN TO RIPLEY	1,353	170	11	\$ 120,280.00	\$ 89.00
4 FREEMAN	NW MAIN TO DAFFAN	1,474	128	24	\$ 111,550.00	\$ 76.00
5 FREEMAN	RIPLEY TO JONES	632	126	3	\$ 47,340.00	\$ 75.00
9 E BELKNAP	RR TO RIPLEY	2,170	427	21	\$ 198,710.00	\$ 92.00
11 LOGGINS	KAUFMAN TO JONES	1,961	325	24	\$ 145,460.00	\$ 74.00
10 E DECATUR	NW MAIN TO FAULKNER	2,372	366	35	\$ 212,730.00	\$ 90.00
SUBTOTAL		17,665	7,292	195	\$ 1,491,270.00	\$ 84.00



STREET BOND PROGRAM 2014 WARD 5							"APPROVED 10-21-13"
STREET	SEGMENT	LENGTH	TRAFFIC COUNT	STRUCTURE COUNT	ESTIMATED COST	ESTIMATED COST/LF	
2014 PROGRAM							
9 ENNIS PARKWAY	LANEVIEW TO W END	2,813	517	6 \$	228,320.00 \$	81.00	
8 W KNOX	CEMETERY W END - 560' WEST	560	277	0 \$	75,868.80 \$	135.48	
1 LANEVIEW	SH 34 W TO N END	3,166	278	16 \$	258,210.00 \$	82.00	
2 OLD BARDWELL	HALL TO SH 34 W	3,903	990	39 \$	351,340.00 \$	90.00	
7 JOLY	HALL TO W BURNETT	1,330	738	41 \$	133,940.00 \$	101.00	
3 W BURNETT	HALL TO JOLY	1,052	778	28 \$	99,470.00 \$	95.00	
4 WILLOWGLEN	YORKSTOWN TO LAKEWAY	338	606	4 \$	42,900.00 \$	127.00	
6 WILLIAMSBURG CR.	WILLIAMSBURG TO E END	211	73	6 \$	26,960.00 \$	128.00	
5 FREDERICKSBURG	BALDRIDGE TO S END	188	83	6 \$	23,910.00 \$	127.00	
10 FINCHER	ANTHONY TO CHATFIELD	780	266	3 \$	52,040.00 \$	102.00	
12 METROPOLITAN	HALL TO CARLTON	580	226	2 \$	53,070.00 \$	92.00	
11 MADISON	HALL TO W END	951	137	11 \$	92,980.00 \$	99.00	
SUBTOTAL		15,872	4,969	162	\$ 1,439,008.80	\$ 91.00	



The Mayor asked for public comment and there was none. At 7:04 p.m. Commissioner Frazier moved to close the public hearing, Commissioner Salik seconded and all members present voted AYE.

SECOND READING OF ORDINANCES

ORDINANCE 13-10-01 APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM.

Ordinance 13-10-01 approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the company's 2013 Annual Rate Review Mechanism. The City Manager stated there had been no changes since the first reading of Ordinance 13-10-01 and recommended approval. Ordinance caption follows:

ORDINANCE NO. 13-10-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP.,

MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL

Commissioner Salik moved to approve Ordinance No. 13-10-01 and Commissioner Frazier seconded with all members in attendance voting AYE. PASSED, APPROVED AND ADOPTED on first reading and second reading.

NEW BUSINESS

RESOLUTION 13-10-3 REGARDING ELECTION AND CASTING VOTES TO ELECT BOARD MEMBER FOR THE ELLIS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2014-2015.

The City's voting entitlement for 2014 is 207 votes. C. T. (Tom) Abram was nominated by the City Commission at the October 7th meeting. Commissioner Frazier moved to cast the 207 Entitlement Votes for C. T. (Tom) Abram, Commissioner Haupt seconded and all members in attendance voted AYE.

2014 STREET BOND PROGRAM.

City Staff recommended approval of the 2014 Street Bond Program as prioritized and an addendum for an error that was discovered. Commissioner Walker moved to add approximately 560 linear feet to Ward 5 from W. Knox Street (Myrtle Cemetery) to the end of the Right-of-Way. Commissioner Haupt seconded and all members in attendance voted AYE. Commissioner Haupt moved to approve the 2014 Street Bond Program as corrected and Commissioner Salik seconded with all members in attendance voting AYE.

PROFESSIONAL SERVICES AGREEMENT FOR THE 2014 STREET BOND PROGRAM (FREESE AND NICHOLS).

Freese and Nichols, Inc.'s proposed contract for design and construction phase services for the 2014 Street Bond Program. Sixty-three (63) streets have been identified as candidates for inclusion in the program, totaling more than fourteen (14) miles of roadways. The total cost of the program will be \$6,000,000.00. Fee proposal's fee limit is not to exceed the Basic Services of \$215,200, Special Services of \$489,600, and Contingency (if authorized by owner) of \$65,000 for a total of \$769,800. Commissioner Frazier moved to approve and enter into the agreement and Commissioner Haupt seconded with all members in attendance voting AYE

RESOLUTION NO. 13-10-04, A RESOLUTION OF THE CITY OF ENNIS, APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE HELD ON THE 7TH DAY OF MAY, 2013, IN CAUSE NO. 19,072-TX ENNIS ISD VS. ESTATE OF DOROTHY SIMS, 703 E. LATIMER STREET, ENNIS, TEXAS. Proposed bid \$1300.00, City of Ennis Delinquent Taxes \$877.18, City amounts extinguished if bid is accepted \$877.18.

Commissioner Salik moved to accept the bid and Commissioner Searcy seconded with all members in attendance voting AYE.

RESOLUTION NO. 13-10-05 A RESOLUTION OF THE CITY OF ENNIS, APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE HELD ON THE 7TH DAY OF MAY, 2013, IN CAUSE NO. 19,072-TX ENNIS ISD VS. ESTATE OF DOROTHY SIMS, 705 E. LATIMER STREET, ENNIS, TEXAS. Proposed bid \$1300.00, City of Ennis Delinquent Taxes \$108.06, City amounts extinguished if bid is accepted \$108.06.

Commissioner Haupt moved to accept the bid and Commissioner Salik seconded with all members in attendance voting AYE.

RESOLUTION NO. 13-10-06 A RESOLUTION OF THE CITY OF ENNIS, APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE HELD ON THE 5TH DAY OF FEBRUARY, 2013, IN CAUSE NO. 19,060-TX ENNIS ISD VS. ESTELLA EDWARDS, 1502 PITTSFIELD STREET, ENNIS, TEXAS. Proposed bid \$1300.00, City of Ennis Delinquent Taxes \$876.85, City amounts extinguished if bid is accepted \$876.85.

Commissioner Walker moved to accept the bid and Commissioner Frazier seconded with all members in attendance voting AYE.

RESOLUTION NO. 13-10-07 A RESOLUTION OF THE CITY OF ENNIS, APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE HELD ON THE 3RD DAY OF JUNE, 2013, IN CAUSE NO. 18,757-TX ENNIS ISD VS. JOHNNIE ANDERSON, 307 W. WACO STREET, ENNIS, TEXAS. Proposed Bid \$1500.00, City of Ennis Delinquent Taxes \$1951.10, City amounts extinguished if bid is accepted \$1,831.12, the City will realize \$116.98.

Commissioner Frazier moved to accept the bid and Commissioner Haupt seconded with all members in attendance voting AYE.

EXECUTIVE SESSION PURSUANT TO SECTION 551.087 OF THE TEXAS GOVERNMENT CODE, ANN. (DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS – NATIONAL REGISTER HISTORIC DOWNTOWN DISTRICT REDEVELOPMENT PROJECT).

At 7:15 p.m., on the 21st day of October, 2013, Mayor Thomas during Open Session announced the Closed Session and identified the purpose therefor as authorized under the Texas Open Meeting Act, Texas Local Government Code, Chapter 551.087 Deliberations regarding Economic Development Negotiations – National Register Historic Downtown District Redevelopment Project. Commissioner Salik moved to adjourn into Executive Session, seconded by Commissioner Searcy with all members in attendance voting AYE.

Mayor Thomas announced the City Commission has completed its Executive Session on the 21st day of October, 2013 at 7:44 p.m. The City Commission reconvened into Open Session at 7:45 p.m.

Commissioner Searcy moved to authorize the City Manager and City Attorney to prepare a proposed ordinance for City Commission approval to provide incentives to the buildings in the downtown area that were damaged in the May 16, 2013, Tornado, and other buildings in the National Register Historic Downtown District for future redevelopment. Commissioner Haupt seconded and all members in attendance voted AYE.

OLD BUSINESS

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

REQUEST FROM CITY COMMISSION AND ROUNDTABLE:

Commissioner Haupt inquired about the process to install a stop sign. City Manager Howerton stated that a study to make sure that sign location would meet the Manual Uniform Traffic Control Devices would be performed. Commissioner Walker stated the I-45 Exit 251 sign has a large hole in it. The City Manager will contact TDOT. Commissioner Searcy stated that there continues to be a problem with speeding on Crisp Pike Road.

With no further business, Mayor Thomas adjourned the meeting at 7:48 p.m.

ATTEST:

Russell R. Thomas, Mayor

Donna Batchler, City Secretary

