

CITY OF ENNIS COMMISSION REGULAR MEETING

SEPTEMBER 15, 2014

7:00 P.M.

Mayor Thomas called the meeting to order at 7:00 p.m. on September 15, 2014, 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, Hackney, Walker, and Searcy, City Manager Ewings, City Attorney Wilson, Chief Erisman, ED Coordinator Nelson, HR Coordinator Kellenberger, Chief Building Official Richardson, City Secretary Batchler, and News Media.

Commissioner Holley was not in attendance.

INVOCATION: Commissioner Salik

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

Minutes of the September 2, 2014, workshop were approved as presented on a motion by Commissioner Walker and seconded by Commissioner Salik with all members present voting AYE. Minutes of the September 2, 2014, regular meeting were approved as presented on a motion by Commissioner Frazier and seconded by Commissioner Salik with all members present voting AYE. 6-AYES, 0-NOES

DEVIATION FROM AGENDA

Mayor Thomas deviated from the agenda by moving agenda item under New Business 9. A. Resolution approving the Ennis Economic Development Corporation Resolution authorizing Sales Tax Revenue Refunding Bonds, Taxable Series 2014. Mark McLiney with Southwest Securities presented information during the workshop earlier today explaining that adoption of the resolution will authorize the EEDC to refund bonds to provide an annual savings and shorten the term of the Taxable Series 2003 and Series 2004 totaling \$2,745,000, maturing 2034 with a net par value savings of 626,403.61 at a net interest cost of 4.100758%. The EEDC met this afternoon, conducted a public hearing, and voted to authorize the refunding.

RESOLUTION 14-09-08

APPROVING THE RESOLUTION BY THE ENNIS ECONOMIC DEVELOPMENT

CORPORATION AUTHORIZING THE SALES TAX REVENUE REFUNDING BONDS,  
TAXABLE SERIES 2014.

Commissioner Frazier moved to Pass and Approve Resolution 14-09-08 authorizing the sale of Tax Revenue Refunding Bonds, Taxable Series 2014. Commissioner Salik seconded and all members in attendance voted AYE. 6-AYES, 0-NOES. Measure carried.

BUDGET ITEMS

At 7:03 p.m. Mayor Thomas opened the Public Hearing regarding the City of Ennis Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015. The Mayor asked the Commission if they had any question and there was none. The public in attendance was asked to comment and there was no comments made. Mayor Thomas closed the public hearing at 7:05 p.m.

ORDINANCE 14-09-01

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, ADOPTING THE BUDGET AND  
APPROPRIATING RESOURCES FOR THE BUDGET FOR THE FISCAL YEAR  
BEGINNING OCTOBER 1, 2014.

The sum of \$17,289,575 is hereby appropriated to the General Fund as follows:

|                        |                     |
|------------------------|---------------------|
| Operating Expenditures | \$13,541,317        |
| I&S                    | <u>\$ 3,748,258</u> |
| TOTAL                  | \$17,289,575        |

That the sum of \$8,234,121 is hereby appropriated to the Water and Sewer Fund as follows:

|                        |                     |
|------------------------|---------------------|
| Operating Expenditures | \$ 6,334,580        |
| I & S                  | <u>\$ 1,899,541</u> |
| TOTAL                  | \$ 8,234,121        |

That the sum of \$252,254 is hereby appropriated to the Tourism Fund. That the sum of \$1,231,950 is hereby appropriated to the Sanitation Fund. That the sum of \$13,699 is hereby appropriated to the Court Technology Fund.

Commissioner Walker moved to adopt the Budget and appropriating resources for the 2014-2015 Fiscal Year commencing October 1, 2014. Commissioner Salik seconded. A record vote was taken and the results are as follows:

|              |     |
|--------------|-----|
| Mayor Thomas | AYE |
|--------------|-----|

|                      |        |
|----------------------|--------|
| Commissioner Salik   | AYE    |
| Commissioner Frazier | AYE    |
| Commissioner Hackney | AYE    |
| Commissioner Walker  | AYE    |
| Commission Searcy    | AYE    |
| Commissioner Holley  | ABSENT |

AYES-6, 0-NOES, Ordinance 14-09-01 Passed, Approved, and Adopted on First Reading September 2, 2014 and Second and Final Reading September 15, 2014.

ORDINANCE 14-09-02

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, 2014.

Commissioner Hackney moved that the property tax rate be decreased by the adoption of a tax rate of \$00.6950, which is effectively a 2.14341 percent decrease in the tax rate. Passed, Approved, and Adopted on first reading on September 2, 2014 and Second and Final Reading on September 15, 2014, Ordinance 14-09-02 fixing the tax rate for FY 2014-2015 at \$0.429183 for General Fund, \$0.265817 for Interest & Sinking Fund for a total rate of \$0.6950. Commissioner Walker seconded. A record vote was taken as follow:

|                      |        |
|----------------------|--------|
| Mayor Thomas         | AYE    |
| Commissioner Salik   | AYE    |
| Commissioner Frazier | AYE    |
| Commissioner Hackney | AYE    |
| Commissioner Walker  | AYE    |
| Commission Searcy    | AYE    |
| Commissioner Holley  | ABSENT |

AYES-6, NOES-0 Measure carried.

RESOLUTION 14-09-07

A RESOLUTION PROVIDING FOR THE APPROVAL OF THE 2014 TAX ROLL FOR THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, PURSUANT TO SECTION 26.09(e), TEXAS PROPERTY TAX CODE; AND APPROVAL AND AN EFFECTIVE DATE THEREFORE:

That the value used in the 2014 Tax Roll calculation is the 2014 Certified Taxable Value, \$1,410,087,870 certified by the Chief Appraiser for the Ellis Central Appraisal District on July 18, 2014. That the amount of tax for 2014 is \$9,800,110, said amount having been calculated by the Assessor for the City of Ennis under the provisions of Section 26.09 of the Texas Property Tax Code by applying the duly adopted tax rate for 2014 of \$0.6950 to the certified appraisal roll

for 2014, under the provision of the Texas Property Tax Code, is hereby approved and adopted.

Commissioner Salik moved to Pass and Approve Resolution 14-09-07. Commissioner Frazier seconded and all members in attendance voted AYE. AYE-6, NOES-0 Measure carried.

ORDINANCE NO. 14-09-03

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, ADOPTING CERTAIN RATES AND FEES FOR FISCAL YEAR 2014-2015; MAINTAINING CERTAIN RATES AND FEES PREVIOUSLY ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Commissioner Hackney moved to Pass, Approve, and Adopt on Second and Final Reading Ordinance 14-09-03. Commissioner Salik seconded. Mayor Thomas, Commissioners Salik, Frazier, Hackney, and Searcy voted AYE. Commissioner Walker ABSTAINED. AYE-5, NAYS-0, ABSTENTION-1 Measure carried. (fee schedule attached)

FIRST READINGS

ORDINANCE 14-09-10

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING ORDINANCE 04-07-05, SECTION 11-106, ITEM B "GENERAL REQUIREMENTS", SECTION 3.a.l.a. "EXEMPTIONS" RELATED TO MASONRY REQUIREMENTS FOR ACCESSORY BUILDINGS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

City Manager Ewings stated that this is a proposal to remove the requirement for masonry siding on accessory structures on residential lots. It does require that they be placed in the rear half of the lot to provide screening. The Planning and Zoning Commission has reviewed and recommends approval.

Commissioner Frazier moved to Pass, Approve, and Adopt an Ordinance amending Section 11-106 of the Zoning Ordinance 04-07-05 Residential Exterior Construction Requirements and Standards with regards to (B) General Requirements Item (3) – Exemption for Accessory Buildings. Commissioner Salik seconded. Mayor Thomas opened the Public Hearing at 7:12 p.m. and requested public comment. There was none and the Public Hearing was closed at 7:13 p.m. All members in attendance voted AYE. 6-AYES, 0-NOES Motion carried.

ORDINANCE 14-09-11

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING ORDINANCE 07-11-05, ARTICLE 1, SECTION 8 “GENERAL SIGN REQUIREMENTS” PERMITTING THE USE OF FLEXIBLE SIGN MATERIALS AND VINYL LETTERING; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

The proposal will allow alternate materials such as flex face and vinyl lettering for signs. The property owners must maintain. The intent is to recognize advances in materials and styles of signs since adoption of Ordinance 07-11-05. Planning and Zoning Commission recommends the amendments.

Commissioner Walker moved to approve an ordinance amending Ordinance 07-11-05, Article 1, Section 8, “General Sign Requirements with regard to approved materials used. Commissioner Salik seconded and Mayor Thomas opened the Public Hearing at 7:13 p.m. Public comment was requested and there was none. Mayor Thomas closed the Public Hearing at 7:14 p.m. and called for a vote. All members in attendance voted AYE. 6-AYES, 0-NOES Motion carried.

SECOND READINGS

ORDINANCE NO. 14-09-04

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING THE CITY OF ENNIS PERSONNEL POLICIES AND PROCEDURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance is being amended removing Fire Department Lieutenants and Captains as salaried employees and making them eligible for overtime in accordance with the Fair Labor Standards Act, to designate the day following Thanksgiving as a paid holiday for employees and designate the existing floating holiday as the September 11<sup>th</sup> holiday for Uniformed Police and Fire Personnel in accordance with Texas Local Government Code Chapter 142.0013.

Commissioner Frazier moved to Pass, Approve, and Adopt Ordinance 14-09-04 on Second and Final Reading and Commissioner Walker seconded. All members in attendance voted AYE. 6-AYES, 0-NOES Measure carried.

ORDINANCE NO. 14-09-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, AUTHORIZING AND APPROVING A LAND ACQUISITION BETWEEN THE ENNIS ECONOMIC DEVELOPMENT CORPORATION AND THE FALLEN FAMILY LTD. FOR A 43 ACRE TRACT OF LAND ON OAK GROVE ROAD; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO APPROVE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

An independent appraisal was performed coming in at \$710,000. The EEDC conducted a public hearing regarding the acquisition and during an open meeting voted to acquire the 43 acre tract authorizing purchase at no more than \$710,000 plus closing cost.

Mayor Thomas opened the Public Hearing at 7:18 p.m. and requested public comment. Lynn Moore inquired as to the reason for the acquisition. The response was the 43 acres upon purchase will be added to the EEDC land inventory for future development and possibly providing land to Dakota Drilling for expansion. With no further comment the Mayor closed the public hearing at 7:20 p.m.

Commissioner Frazier moved to Pass, Approve, and Adopt Ordinance 14-09-05 authorizing and approving land acquisition between the EEDC and the Fallen Family LTD. for a 43 acre tract of land on Oak Grove Road for up to \$710,000 plus related closing cost amending the ordinance since the first reading deleting amending the EEDC budget for the land acquisition and the "Lights of Ennis". Commissioner Salik seconded. All members in attendance voted AYE. 6-AYES, 0-NOES Measure carried.

ORDINANCE NO. 14-09-06

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; CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS, TEXAS FROM "T" TRANSITION DISTRICT TO "M2" HEAVY MANUFACTURING DISTRICT FOR:

A tract or parcel of land situated in the City of Ennis, Ellis County, Texas and being Carl White Survey Abstract 1109, and also being part of that 54.92 Tract 1 conveyed to Enserch Corporation by deed recorded in Volume 818 Page 752 of the Official Public Records of Ellis County, Texas and being known as (11.1470 Acres) 744 FM 984. Requested by Atmos Energy and represented by Don Dotson. P&Z case # 14.08.01

Commissioner Salik moved to Pass, Approve, and Adopt on Second and Final Reading Ordinance 14-09-06 and Commissioner Walker seconded. All members in attendance voted AYE for the reclassification of the property. AYE-6, NOES-0 Measure carried.

ORDINANCE 14-08-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, AUTHORIZING AND APPROVING THE FY 2014-2015 ENNIS ECONOMIC DEVELOPMENT CORPORATION BUDGET WITH "PROJECTS" PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE, SECTION 505.151 – 505.158.

|                    |                 |
|--------------------|-----------------|
| TOTAL REVENUE      | \$10,943,908.56 |
| DEBT SERVICE       | \$ 755,118.75   |
| FUNDED COMMITMENTS | \$ 140,794.00   |
| OPERATING CAPITAL  |                 |

EXPENDITURES \$10,047,995.81

TOTAL EXPENDITURES \$10,943,908.46

The ordinance has been amended since first reading to include line item of \$725,000 for property acquisition for the 43 acre parcel. Commissioner Walker moved to approve the EEDC FY 2014-2015 Budget as amended from the first reading on August 18, 2014. Commissioner Salik seconded. All members present voted AYE. Passed, Approved, and Adopted on Second and Final Reading with a 6-AYES, 0-NOES vote. Measure carried.

#### NEW BUSINESS

PUBLIC FACILITIES USE PERMIT: Commissioner Salik moved to grant the public facilities use permit to Damascus Road Fellowship Church for baptisms on October 19, 2014 and October 26, 2014. Commissioner Frazier seconded and all members in attendance voted AYE. 6-AYES, 0-NOES Measure carried.

#### RESOLUTION 14-09-09

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, AUTHORIZING THE CITY MANAGER TO PURCHASE A 2014 FORD F150 PICKUP IN THE AMOUNT OF \$24,141; ESTABLISHING AN EFFECTIVE DATE.

Commissioner Frazier moved to Pass and Approve Resolution 14-09-09 authorizing purchase of a vehicle this current year to save on expenses next year, funded through savings, and purchased through the Buyboard Cooperative Purchasing Service in the amount of \$24,141.00. Commissioner Hackney seconded and all members in attendance voted AYE. 6-AYES, 0-NOES Measure carried.

#### OLD BUSINESS

##### APPOINTMENTS TO CITY OF ENNIS BOARDS AND COMMISSIONS:

No action taken on this agenda item.

##### REQUEST FROM CITY COMMISSION AND ROUNDTABLE:

Commissioner Walker asked if we are still spraying for mosquitos. City Manager Ewings stated that we will be spraying this week if needed and with the heat we will be doing additional spraying. Commissioner Searcy asked about the property clearing on Crisp Pike Road and inquired if the tree branches could be cleared. City Manager Ewings stated that in the near future we will be looking to amend our ordinances to include citing property owners that allow tree

branches and debris to extend into the right of ways. Commissioner Searcy inquired as to what are we doing about securing businesses on the North end of town. Mayor Thomas thanked the Commission for working through the budget. Fan Fest will take place on Wednesday night 6:00 p.m. – 10:00 p.m.

With no further business, Mayor Thomas adjourned the meeting at 7:31 p.m.

ATTEST:

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Russell R. Thomas, Mayor

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Donna Batchler, City Secretary



