

City Council
April 21, 2014

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, April 21, 2014, at 7:00 p.m.

Council Members Present: John Wray, Mayor
Kevin Strength, Mayor Pro Tem
Chuck Beatty, Councilman
Mark Singleton, Councilman
Mike Ramsey, Councilman

Member Absent: None

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Amber Villarreal, Assistant City Secretary

Mayor John Wray called the meeting to order. Assistant City Manager Michael Scott gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of April 7, 2014
- b. Minutes of the regular Planning & Zoning Commission meeting of April 9, 2014
- c. Minutes of the Waxahachie Education Finance Corporation meeting of April 10, 2014
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of April 14, 2014
- e. Minutes of the Waxahachie Community Development Corporation meeting of April 15, 2014
- f. Minutes of the Mid-Way Airport Board meeting of March 13, 2014
- g. Minutes of the Heritage Preservation Commission meeting of March 13, 2014
- h. Monthly Code Enforcement Report for March 2014
- i. Monthly Violation Activity Statistics for March 2014
- j. Monthly Fire and EMS Report for March 2014
- k. Monthly Building Report for March 2014
- l. Approve 2013-2014 budget amendment requested by Finance

Councilman Chuck Beatty moved to approved Items a. through l. on the Consent Agenda.
Councilman Mark Singleton seconded, **All Ayes.**

Mayor Wray announced there is not an Honorary Councilmember for the meeting.

Ms. Elizabeth Tull, 104 Mustang Creek Drive, President of the Waxahachie Arts Council, presented the Annual Financial Report for the Waxahachie Arts Council. She noted the seven (7) organizations that comprise the membership of the Waxahachie Arts Council are: Chautauqua Preservation Society, Ellis County Art Association, Ellis County Museum, Inc., Historic Waxahachie, Inc., Waxahachie Community Theatre, Waxahachie Symphony Association, Inc., and Bethlehem Revisited.

Ms. Tull requested a two-year extension of the current contract and explained the extension allows the member organizations to better plan for their expenditures and to prepare their budgets. Ms. Tull thanked the council for their past support.

City Manager Paul Stevens noted Laurie Mosley sent out questionnaires to the organizations of the Waxahachie Arts Council. Ms. Tull noted members from all 7 organizations met and had an open discussion about what the hotel-motel funds can be used for. Councilman Singleton requested the questionnaires be submitted annually to make sure the organizations stay in compliance with the rules regarding spending hotel-motel tax dollars.

Councilman Mark Singleton moved to accept the Annual Financial Report for the Waxahachie Arts Council as presented and to extend the contract between the Waxahachie Arts Council and City of Waxahachie for two (2) years. Mayor Pro Tem Kevin Strength seconded, **All Ayes.**

Mayor Wray announced the update on Disc Golf will be given at a future meeting.

Mayor Wray opened the Public Hearing on a request Louis Gennarelli, for a Site Plan approval within a Planned Development-20-General Retail (PD-20-GR) Zoning District for University Plaza remodel located at 401 N. Hwy. 77, being 6.85 acres, 148 & 599 WM Baskins & J Johnson Survey- Owner: Windward Partners (ZA 2014-05).

Director of Planning Clyde Melick noted additional landscaping and a clock tower will be added to the existing shopping center to enhance the look.

There being no others to speak for or against ZA 2014-05, Mayor Wray closed the Public Hearing.

Mayor Pro Tem Kevin Strength moved to approve Site Plan within a Planned Development-20-General Retail (PD-20-GR) Zoning District for University Plaza remodel located at 401 N. Hwy. 77, being 6.85 acres, 148 & 599 WM Baskins & J Johnson Survey- Owner: Windward Partners (ZA 2014-05). Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Wray opened the Public Hearing on a request by Linda Alvarez, for a Zoning Amendment from Single Family-2 (SF-2) to General Retail (GR) to allow receptions and small events at the home located at 617 Solon Road, being 1.5 acres out of J B Bounds Survey, Abstract No. 99- Owner: Robert and Linda Alvarez (ZA 2014-06).

Mr. Robert Alvarez, 617 Solon Road, Waxahachie, noted he and his wife have made a continuous effort to do something different with their home. He noted the zoning change from Single Family-2 to General Retail will allow receptions and small events to be held at their home.

Planning Director Melick noted the zoning change will allow open events at the location and keep it as a residential home.

There being no others to speak for or against ZA 2014-06, Mayor Wray closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2739:

ORDINANCE NO. 2739

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR 1.5 ACRES IN THE J. B. BOUNDS SURVEY, ABSTRACT NO. 99, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 617 SOLON ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY (SF) TO GENERAL RETAIL (G) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Kevin Strength moved to approve Ordinance No. 2739. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Wray opened the Public Hearing on a request by Rob Baldwin, Baldwin Associates, for a Site Plan approval and Specific Use Permit within a Planned Development (PD) Zoning District to build a skilled nursing facility to be located on Country Meadows Boulevard– Owner: WCE 2013 Charitable Remainder Unitrust (ZA 2014-07). Mayor Wray noted the Applicant requested to postpone the hearing until the next meeting.

Councilman Mark Singleton moved to continue the Public Hearing on a request by Rob Baldwin, Baldwin Associates, for a Site Plan approval and Specific Use Permit within a Planned Development (PD) Zoning District to build a skilled nursing facility to be located on

Country Meadows Boulevard– Owner: WCE 2013 Charitable Remainder Unitrust (ZA 2014-07) to the City Council meeting of May 5, 2014. Councilman Chuck Beatty seconded, **All Ayes.**

Mr. Karl Griffin, 3120 Sovereign Drive, Lansing, Michigan, requested approval of Preliminary Plat of Victory Park being 107.099 acres in the Allen W. Brown Survey, Abstract No. 102, Joseph Benson Survey, Abstract No. 104-Owner: Dartco of Texas, LLC (PLM 2014-02). He stated Dartco will take 7 acres that fronts Highway 77 and divide the acres into 8 separate lots to sell. He noted the platting will be done in 3 phases.

Mayor Pro Tem Kevin Strength moved to approve the Preliminary Plat of Victory Park being 107.099 acres in the Allen W. Brown Survey, Abstract No. 102, Joseph Benson Survey, Abstract No. 104-Owner: Dartco of Texas, LLC (PLM 2014-02). Councilman Chuck Beatty seconded, **All Ayes.**

Mr. Jim Strawn, GenPro, 9615 Angleridge, Dallas, representing the Applicant, requested approval of Preliminary Plat of Oak Vista Estates Phase I, being a 6.615 acre addition in S.B. Orton Survey, Abstract No. 813 in the ETJ-Owner: Richard Miskimon ETAL (PLM 2014-07). He noted five residential lots are being proposed.

Councilman Chuck Beatty moved to approve the Preliminary Plat of Oak Vista Estates Phase I, being a 6.615 acre addition in S.B. Orton Survey, Abstract No. 813 in the ETJ-Owner: Richard Miskimon ETAL (PLM 2014-07). Councilman Mike Ramsey seconded, **All Ayes.**

Director of Utilities David Bailey presented an amended redlined Drought Contingency Plan. He noted the plan has to target a certain portion of water production.

Councilman Singleton asked if the penalty for violators is adequate. Mr. Bailey noted the city doesn't want the penalty to be too high, but enough to catch attention.

Mr. Bailey noted public service announcements and public education will be used to inform citizens of the water stages and penalty for violators.

Councilman Beatty asked if there is a way to get water from the new plant to the old one and Mr. Bailey noted Rockett Special Utility District put in a line to allow the transfer of water both ways.

City Attorney Steve Chapman presented Ordinance No. 2740:

ORDINANCE NO. 2740

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING AND RESTATING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND AMENDING ORDINANCE NO. 2116; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Pro Tem Kevin Strength moved to approve Ordinance No. 2740 approving the Drought Contingency Plan. Councilman Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens noted the idea of a sign program was brought forth to the council in May of last year. The proposal at the time was approximately \$60,000 and not in the price range the city would consider. He noted CVB Director Laurie Mosley contacted National Sign Plazas and they gave a cost estimate of about \$24,000 and the city would get a \$7,000 sign credit bringing the cost to about \$17,000. He informed council that there is money budgeted in the economic development fund for the sign program.

Assistant City Manager Michael Scott noted there are other funding options available for the implementation costs of the program such as TIRZ funds.

Mayor Pro Tem Strength clarified that the signs will be general signs and not advertising specific businesses. Mr. Stevens concurred noting the signs will give direction to Sims Library, Art Association, Richard's Ball Park, etc.

Councilman Mark Singleton moved to approve the contract with National Sign Plazas for the city sign program. Mayor Pro Tem Kevin Strength seconded, **All Ayes.**

CITIZENS' PETITIONS AND REQUEST

Jana Pogue, 319 Virginia Avenue, and Margaret Felty, 325 Virginia Avenue, submitted a written petition of property owners requesting sidewalks be put in place on the west side of Virginia Avenue during street reconstruction. City Manager Paul Stevens noted there will be a public meeting within the next month to hear comments and concerns from the residents on Virginia Avenue. Mayor Wray explained the trees and elevation change caused sidewalks to only be built on the east side of Kirven Avenue.

CVB Director Laurie Mosley distributed the Shop Across Texas visitor's guide noting Waxahachie's shopping recognition.

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

None

There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary