

City Council
May 19, 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, May 19, 2014, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
David Hill, Councilmember
Mary Lou Shipley, Councilmember

Member Absent: None

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

Mayor Kevin Strength called the meeting to order. Councilmember Chuck Beatty 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 May 5, 2014
- b. Minutes of the special City Council meeting of May 13, 2014
- c. Minutes of the regular Planning & Zoning Commission meeting of May 14, 2014
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of May 12, 2014
- e. Minutes of the Mid-Way Airport Board meeting of April 10, 2014
- f. Monthly Code Enforcement Report for April 2014
- g. Monthly Violation Activity Statistics for April 2014
- h. Monthly Fire and EMS Report for April 2014
- i. Monthly Building Report for April 2014
- j. Monthly Crime Report for March and April 2014
- k. Budget amendment for Water Distribution and Street Department
- l. Appointment of Council Representatives to various Boards and Commissions

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

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

Mayor Strength presented a Proclamation to volunteers with the American Heart Association proclaiming May 2014 as “American Stroke Month.”

Finance Director Charlie Harris and Mr. Greg Shropshire with Patillo, Brown & Hill, presented the Annual Financial Report for year ended September 30, 2013. Mr. Shropshire noted there were no issues with the accounting procedure or management and every operating fund finished a little more ahead than anticipated. Mr. Shropshire noted the fund balances are in good shape as far as substantiality. He noted an additional audit was needed because there was \$500,000 in grant money received by the city and no issues were found.

Mayor Pro Tem Singleton inquired about GASB 68. Mr. Shropshire noted everything is correct so far, but he is waiting on calculations from the state. Mr. Singleton recommended reviewing retirement options during the budget cycle.

Mayor Pro Tem Mark Singleton thanked Mr. Harris and the finance department for their hard work.

Mayor Pro Tem Mark Singleton moved to accept the City of Waxahachie Annual Financial Report for year ended September 30, 2013 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail (GR) Zoning District for an electronic message center on building located at 101 YMCA Drive, being 0.806 acres, Lot 1AA, Block A, Lakeridge I Addition– Owner: David Reagan (ZA 2014-10).

Mr. David Reagan, 101 YMCA Drive, Waxahachie, TX, requested an electronic message sign to increase visibility to the general public.

There being no others to speak for or against ZA 2014-10, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2743 approving ZA 2014-10:

ORDINANCE NO. 2743

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1AA, BLOCK A, LAKERIDGE ADDITION 1, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 101 YMCA DRIVE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR w/SUP), FOR THE PURPOSE OF ALLOWING A SIGN

WITH ELECTRONIC MESSAGE CENTER ON THE BUILDING TO BE BUILT IN ACCORDANCE WITH LOCATION AND DRAWINGS AND INFORMATION FILED WITH THE CITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2743 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Thomas M. Schwing, for a Specific Use Permit within a Light Industrial-1 (LI-1) and Future Development (FD) Zoning District to allow parking of tractor trailers and outside storage of bins/containers located at 4725 N. IH 35E, being 14.162 acres in the E C Newton Survey, Abstract No. 790– Owner: Thomas M. Schwing (ZA 2014-11).

Mr. Thomas Schwing, 4725 N. I35E, Waxahachie, TX, requested approval to park and store trucks and trailers on his property. He noted they are willing to comply with landscape requirements; however, a sewer line project across his property will remove the landscaping. Mr. Schwing met with and spoke to Fire Marshal Dennis Crecelius regarding the ability of fire trucks to drive across his property on gravel. He noted Mr. Crecelius was okay with the gravel drive, but asked that the road be redefined. Mr. Schwing stated his family is trying to make income on the property. Mr. Schwing provided pictures of surrounding businesses with trucks on gravel parking.

Planning Director Clyde Melick noted P&Z approved the use as long as the applicant complied with all zoning requirements including concrete surface and landscaping. He noted the properties around Mr. Schwing's location are legal non-conforming uses that have been in place since before the adoption of the 2007 Zoning Ordinance. Mr. Melick presented the Economic Development Strategic Plan that was adopted by the city council to clean up I35.

Those who spoke in opposition:

Kevin Finch, Finch FP LTD, Plano, TX

There being no others to speak for or against ZA 2014-11, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Singleton noted he is sensitive to the fact the surrounding properties are doing the same thing Mr. Schwing is requesting.

Mayor Pro Tem Mark Singleton moved to approve ZA 2014-11 per Planning & Zoning recommendation, subject to all Staff Comments.

City Attorney Steve Chapman recommended the Ordinance state all Staff Comments including landscaping requirements and including, but not limited to the Zoning Ordinance requirements.

Mayor Pro Tem Singleton rescinded his motion.

Mayor Strength expressed the positive marketing effects of having sewer on Mr. Schwing's property.

Councilmember Mary Lou Shipley noted it is an unfortunate situation for the applicant, but if approved, the city would be perpetuating problems for non-conforming uses.

After further discussion, Councilmember Mary Lou Shipley moved to deny ZA 2014-11.
Mayor Pro Tem Mark Singleton seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail-Planned Development (GR-PD) Zoning District for an electronic message center on existing pole sign located at 3390 N. Hwy. 77, being 1.183 acres, Lot 1R, Block 2, High Point Estates– Owner: Terry Nay (ZA 2014-12).

Mr. Terry Nay, 3390 N. Hwy. 77, Waxahachie, TX, requested approval to replace the existing business sign with an electronic message sign. He noted the sign will be used to advertise both businesses at the location.

There being no others to speak for or against ZA 2014-12, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2744 approving ZA 2014-12:

ORDINANCE NO. 2744

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1R, BLOCK 2, HIGH POINT ESTATE, CONTAINING 1.183 ACRES, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 3390 N. HIGHWAY 77, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL-PLANNED DEVELOPMENT (GR-PD) TO GENERAL RETAIL-PLANNED DEVELOPMENT WITH SPECIFIC USE PERMIT (GR-PD w/SUP), FOR THE PURPOSE OF ALLOWING A SIGN WITH ELECTRONIC MESSAGE CENTER LOCATED ON THE EXISTING POLE SIGN TO BE BUILT IN ACCORDANCE WITH LOCATION AND DRAWINGS AND INFORMATION FILED WITH THE CITY, AS SHOWN IN DRAWING 3302 BY THE NAY COMPANY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2744 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit within a Planned Development-1-Commercial (PD-1-C) Zoning District for a pole sign and electronic message board to be located at 1326 US 287 Bypass, being Lot 5R-D, Block A, RVG Plaza– Owner: Adam Arredondo (ZA 2014-13).

Planning Director Melick noted the applicant is requesting approval of an electronic message board.

There being no others to speak for or against ZA 2014-13, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2745 approving ZA 2014-13:

ORDINANCE NO. 2745

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 5R, BLOCK A, RVG PLAZA, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 1326 US HIGHWAY 287 BYPASS, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-1- COMMERCIAL (PD-1-C) TO PLANNED DEVELOPMENT-1-COMMERCIAL WITH SPECIFIC USE PERMIT (PD-1-C w/SUP), FOR THE PURPOSE OF ALLOWING A POLE SIGN WITH ELECTRONIC MESSAGE BOARD TO BE BUILT IN ACCORDANCE WITH LOCATION AND DRAWINGS AND INFORMATION FILED WITH THE CITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2745 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Planning Director Melick noted the applicant requested to have the public hearing on a request 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) postponed to the June 2, 2014 meeting.

Mayor Pro Tem 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 meeting of June 2, 2014. Councilmember Chuck Beatty seconded, **All Ayes.**

Planning Director Melick noted the applicant is requesting approval of the Preliminary Plat of Lot 1, Block A, Country Meadows being a 7.6393 acre addition in the Henri Levy Survey, Abstract No. 629-Owner: WCE 2013 Charitable Remainder Unitrust (PLM 2014-08).

Mr. Melick noted the preliminary plat is in order and the Final Plat will be brought forward at a later date.

Ms. Andrea Saubert, 218 Country Meadows Blvd., expressed her concern with traffic near the location of the proposed skilled nursing facility near her neighborhood.

Mr. Melick noted a Traffic Impact Analysis should be completed by the end of the month. He mentioned future plans for the area will allow more options for residences to get in and out of subdivision.

Councilmember Chuck Beatty moved to approve the Preliminary Plat of Lot 1, Block A, Country Meadows being a 7.6393 acre addition in the Henri Levy Survey, Abstract No. 629-Owner: WCE 2013 Charitable Remainder Unitrust (PLM 2014-08). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Planning Director Clyde Melick presented a proposed Resolution supporting the Little Creek Hike and Bike Transportation Alternative Program Project. He noted this grant will provide a hike and bike connection through Chapman Park. Waxahachie ISD granted a 15 foot easement to the city and Mr. Melick is currently working with HEB to obtain an easement near their property.

RESOLUTION NO. 1185

RESOLUTION IN SUPPORT OF THE LITTLE CREEK HIKE AND BIKE TRANSPORTATION ALTERNATIVE PROGRAM PROJECT

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council approved approximately \$28 million for the current Transportation Alternatives Program call for projects on February 13, 2014; and,

WHEREAS, the City of Waxahachie intends to submit a transportation alternative project application for the Little Creek Hike and Bike project to the North Central Texas Council of Governments (NCTCOG) prior to the May 30, 2014 deadline; and,

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Call for Project application submission.
NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1.** The City of Waxahachie supports the Little Creek Hike and Bike as applied for in the 2014 Transportation Alternative Program Call for Projects application.
- Section 2.** The City of Waxahachie will serve as the public sponsor and lead project contact on this project. The City of Waxahachie agrees to designate a single point of contact for the project.
- Section 3.** The City of Waxahachie commits to fund or pass through funds from other sources for a minimum local cash or in-kind match of 20% of the total project cost which amounts to \$38,158.00
- Section 4.** The City of Waxahachie confirms that City of Waxahachie not the Regional Transportation Council, will be responsible for any cost overruns.
- Section 5.** The City of Waxahachie understands and acknowledges that all awarded funding is provided on a reimbursement basis
- Section 6.** Please include any additional sections, language, elements, or attachments necessary to fulfill local point of view or local requirements. Should include language about any formal partnerships as well if applicable.

Councilmember David Hill moved to approve Resolution No. 1185, striking Section 6.
Councilmember Chuck Beatty seconded, **All Ayes.**

Public Works Director introduced consultants from Teague Nall & Perkins, Niraj Acharya and Tracy Michel, and distributed binders outlining the proposed Storm Water Management Program. He asked for council to review the content and submit any changes or amendments to him.

Mr. Niraj Acharya, noted the Storm Water Management Program is a federal unfunded mandate for municipalities as a result of urbanized areas. He presented a short video about storm water.

Ms. Tracy Michel, reviewed the permit renewal for smaller cities, like Waxahachie, and explained the term for this permit began in December 2013 and will run through 2018. She noted the city has 5 years to implement the program, but it must be adopted and submitted to the state by June 11, 2014. The self-governed program is used to reduce pollutants in the streams, lakes and rivers.

Mayor Pro Tem Singleton asked about the yearly cost for implementing the program. Mr. Chambers noted it will cost approximately \$8,400 in consulting fees, which does not include publications and flyers required for public education. Mr. Singleton asked what groups in the city will be impacted.

Mayor Strength asked staff to make a list of changes this program will require that differentiate from the current city practices.

City Manager Paul Stevens asked council to inform the City Secretary's office if they are available June 3rd or June 4th for a city council retreat at the Civic Center from about 8:30 a.m.-4:00 p.m.

CITIZENS' PETITIONS AND REQUEST

Mr. Kevin Ivey, 1980 E. Highland Rd., Waxahachie, inquired about programs that help property owners like Mr. Schwing make money on his property while staying in compliance with city laws. Council and Staff noted uses are granted; however, zoning rules and regulations must be followed by the applicant.

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

Assistant City Manager Michael Scott informed city council of upcoming training available through a webinar by Texas Municipal League to be held at City Hall on May 29th and May 30th.

Councilmember Chuck Beatty and City Manager Paul Stevens welcomed the new councilmembers.

Mayor Pro Tem Mark Singleton noted he has issues with government unfunded mandates like the Storm Water Management Program. Councilmember David Hill concurred.

There being no further business, the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary