

City Council  
June 2, 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, June 2, 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

Others Present: Paul Stevens, City Manager  
Michael Scott, Assistant City Manager  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary

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Mayor Kevin Strength called the meeting to order. Mayor Pro Tem Mark Singleton gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of May 19, 2014
- b. Minutes of the regular Planning & Zoning Commission meeting of May 28, 2014
- c. Minutes of the Rodeo Board meeting of May 22, 2014
- d. Approve street closures for Gingerbread Trail

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

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

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City Manager Paul Stevens recognized Mr. David Bailey, Director of Utilities and his department for receiving the Outstanding Municipal Utility Award from the Texas Municipal Utilities Association (TMUA) in recognition of their continued long-term service and dedication to the goals and ideals of TMUA and the water utility business.

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Mayor Strength read a Proclamation proclaiming June 4, 2014 through July 4, 2014 as “Crape Myrtle Month” and presented it to Crape Myrtle Committee.

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Mayor Strength continued 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).

Mr. Alan Naul, Javelin Group, 3232 McKinney Ave., Dallas, requested, in lieu of 90% masonry requirements, the facility be 52% masonry and 48% Hard-Plank. He presented a rendering of the proposed skilled nursing facility with hardy materials

Mr. Clyde Melick, Director of Planning, reported the Planning and Zoning Commission recommended approval of relieving the masonry requirement and add additional architectural features.

There being no others to speak for or against Zoning Amendment 2014-07, Mayor Strength closed the Public Hearing.

Mr. Steve Chapman, City Attorney, presented Ordinance No. 2746:

**ORDINANCE NO. 2746**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1, BLOCK A, COUNTRY MEADOWS ADDITION, CONTAINING 7.6393 ACRES IN THE HENRI LEVY SURVEY, ABSTRACT NO. 629, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED ON COUNTRY MEADOWS BOULEVARD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD) WITH SPECIFIC USE PERMIT (PD w/SUP), FOR THE PURPOSE OF ALLOWING A SKILLED NURSING FACILITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2746 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Greg and Tammy Wimbish for a Specific Use Permit within a Future Development (FD) Zoning District to build a barn to house animals located between 2011 Black Champ Road and 1435 Black Champ Rd., being 12.102 acres in the O.F. Gregg Survey, Abstract No. 426– Owner: Greg and Tammy Wimbish (ZA 2014-14).

Mr. and Mrs. Wimbish, 3631 Mindy Lane, Midlothian, TX, reported the barn will house their daughters show animals.

There being no others to speak for or against Zoning Amendment 2014-14, Mayor Strength closed the Public Hearing.

Mr. Steve Chapman, City Attorney, presented Ordinance No. 2747:

**ORDINANCE NO. 2747**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 12.102 ACRES IN THE O.F. GREGG SURVEY, ABSTRACT NO. 426, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED BETWEEN 2011 BLACK CHAMP ROAD AND 1435 BLACK CHAMP ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING FUTURE DEVELOPMENT (FD) TO FUTURE DEVELOPMENT WITH SPECIFIC USE PERMIT (FD) w/SUP), FOR THE PURPOSE OF ALLOWING THE CONSTRUCTION OF AN ACCESSORY BUILDING TO HOUSE ANIMALS AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember Mary Lou Shipley moved to approve Ordinance No. 2747 as presented.**  
Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by John W. Harrell, for a Site Plan approval within a Planned Development-112-Heavy Industrial (PD-112-HI) Zoning District to review new building located at 100 Singleton Rd., being 2 acres, Lot 2, Block B, Waxahachie Business and Industrial Park-Owner: QuickTurn Technology, Inc. (ZA 2014-15).

Mr. Steve Tunnell, 685 Dawson Road, Waxahachie, reported changes have been made to the original site plan being the elevation and roof pitch. He requested to waive the 90% masonry requirement.

Mr. Clyde Melick, Director of Planning, reported the Planning and Zoning Commission recommended approval of masonry variance request and approved the office with 4 feet of masonry and machine shop metal.

There being no others to speak for or against Zoning Amendment 2014-15, Mayor Strength closed the Public Hearing.

**Councilmember Chuck Beatty moved to approve Site Plan approval within a Planned Development-112-Heavy Industrial (PD-112-HI) Zoning District to review new building located at 100 Singleton Rd., being 2 acres, Lot 2, Block B, Waxahachie Business and Industrial Park-Owner: QuickTurn Technology, Inc. (ZA 2014-15).** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Mayor Strength opened discussion of Preliminary Plat of Country Meadows Phase 3-5, being Lot 19, Block A; Lots 17-29, Block C; Lots 1-17, Block D; Lots 1-17, Block E; Lots 1-16, Block F; Lots 1-18, Block G; Lots 1-6, Block H; Lots 1-5, Block K; Lots 11-15, Block L; Lots 1-28, Block M; Lots 1-3, Block N; Lots 2-27, Block O; Lots 1-3, Block P; Lots 1-19, Block Q; Lots 1-12, Block R; Lots 1-22, Block S; Lots 1-12, Block T; Lots 1-8, Block U; Lots 1-7, Block V; Lots 1-13, Block W; Lots 1-16, Block X; Lot 1, Block Y; Lots 1-10, Block Z; Lots 1-14, Block AA; and Lot 1, Block AB; being 83.186 acres of land in the Henri Levy Survey, Abstract No. 629 and the Robert Russell Survey, Abstract No. 911-Owner: Moritz Interest, LTD (PLM 2014-13).

Mayor Strength announced the Applicant was absent.

Mr. Clyde Melick, Director of Planning, stated the Applicant proposes the platting of 297 lots for Country Meadows phases 3-5 and explained this is a continuation of the now platted Country Meadows Addition, Phase I. He stated this phase will be a mixture of lot sizes.

**Mayor Pro Tem Mark Singleton moved to approve the Preliminary Plat of Country Meadows Phase 3-5, being Lot 19, Block A; Lots 17-29, Block C; Lots 1-17, Block D; Lots 1-17, Block E; Lots 1-16, Block F; Lots 1-18, Block G; Lots 1-6, Block H; Lots 1-5, Block K; Lots 11-15, Block L; Lots 1-28, Block M; Lots 1-3, Block N; Lots 2-27, Block O; Lots 1-3, Block P; Lots 1-19, Block Q; Lots 1-12, Block R; Lots 1-22, Block S; Lots 1-12, Block T; Lots 1-8, Block U; Lots 1-7, Block V; Lots 1-13, Block W; Lots 1-16, Block X; Lot 1, Block Y; Lots 1-10, Block Z; Lots 1-14, Block AA; and Lot 1, Block AB; being 83.186 acres of land in the Henri Levy Survey, Abstract No. 629 and the Robert Russell Survey, Abstract No. 911-Owner: Moritz Interest, LTD (PLM 2014-13).** Councilmember David Hill seconded, **All Ayes.**

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Mr. Clyde Melick, Director of Planning, presented a proposed Pilot Program to allow for the operation of food trucks. He reported, currently, the city only allows mobile-food vendors with a Special Events permit, and they may not operate for more than 14 days out of the year. Mr. Melick proposed the following Pilot Program:

- Allow limited amount of licensed Food Trucks at city-sponsored Special Events
- Food Truck operator must notify Staff in advance to ensure that it is considered a Special Event, and ensure adequate space
- Private Property: Existing businesses may allow food trucks to operate on their property
- Permitting: Food Truck operator must show proof of current permit in the City of Dallas or Fort Worth, which Staff will accept as evidence of responsibility and acceptable conditions

Mr. Melick reported the food truck pilot program will show the potential benefits of these new establishments and depending on the public's interest in patronizing these establishments, the City may move forward to discuss the incorporation of food trucks into the Code of Ordinances.

Ms. Anita Williamson, Downtown Development Director, stated she visited with the downtown merchants and they are on board to use food trucks just as an events use.

Mayor Pro Tem Mark Singleton asked Staff to be cautious and not hinder the downtown businesses.

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Ms. Judy Demoney, Mid-Way Airport Manager, presented Resolution No. 1186 partnering with TxDot to construct 12 T-hangers. She reported the total project cost are estimated to be \$1,726,800 and the City of Midlothian and City of Waxahachie will be responsible for 10% of the total project costs currently estimated to be \$172,680. Preliminary date for design will be August/September 2014 with estimated project completion in 2016.

**RESOLUTION NO. 1186**

**WHEREAS**, the City of Midlothian and City of Waxahachie intends to make certain improvements to the Mid-Way Regional Airport; and

**WHEREAS**, the general description of the project is described as the construction of 12 T-hangers; and

**WHEREAS**, the City of Midlothian and City of Waxahachie intends to request financial assistance from the Texas Department of Transportation for these improvements; and

**WHEREAS**, total project cost are estimated to be \$1,726,800, and the City of Midlothian and City of Waxahachie will be responsible for 10% of the total project costs currently estimated to be \$172,680; and

**WHEREAS**, the City of Midlothian and City of Waxahachie names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Waxahachie hereby directs the Mid-Way Regional Airport Board Chairman to execute on behalf of the City of Waxahachie, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Mid-Way Regional Airport. The City of Waxahachie agrees to, with the City of Midlothian's participation for fifty percent (50%) of the two cities' obligations, construct the twelve (12) T-hangers at Mid-Way Regional Airport, provide one-half (1/2) of the ten percent (10%) total project costs (estimated to be one-half (1/2) of \$172,680.00) and acknowledge that TXDOT is agent for administration of federal and state funds for projects.

**Councilmember Chuck Beatty moved to approve Resolution No. 1186 as presented.** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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City Manager Paul Stevens presented Resolution No. 1187 stating the purpose is for replacement, reconstruction and rehabilitation of Virginia Street and a portion of Marvin Avenue.

**RESOLUTION NO. 1187**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF REPLACEMENT, RECONSTRUCTION AND REHABILITATION OF PAVING, DRAINAGE AND UTILITIES.**

**WHEREAS**, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for the replacement, reconstruction and rehabilitation of paving, drainage, and utilities and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

**WHEREAS**, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

**WHEREAS**, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**SECTION 1**

That the City reasonable expects to reimburse General Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the General Fund in an amount not to exceed \$4,200,000.

**SECTION 3**

That this resolution shall take effect immediately from and after the date of passage.

*Councilmember Chuck Beatty moved to approve Resolution No. 1187 as presented.* Mayor Pro Tem Mark Singleton seconded, *All Ayes.*

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Mr. Charles Harris, Director of Finance, presented Resolution No. 1188 stating the intention is to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit, construction of street improvements throughout the City; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

**RESOLUTION NO. 1188**

**DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF WAXAHACHIE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014**

**WHEREAS**, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in "Exhibit A" to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

**WHEREAS**, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**Section 1.** That attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved. Sites for the proposed public safety building are under consideration but a final site has not been determined as of the date this Resolution is adopted for the final location of the proposed public safety building.

**Section 2.** That the City Secretary shall cause said notice to be published, in substantially the form attached hereto, in the Waxahachie Daily Light, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

**Section 3.** That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention.

**Section 4.** That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

**Section 5.** That this Resolution shall be effective immediately upon passage and adoption.

**Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1188 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

*Note: Exhibit "A" is filed in the records of the City Secretary.*

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Mr. Jeff Chambers, Director of Public Works, presented the Storm Water Management Program Implementation Schedule. He recapped from the previous Council meeting noting the program is a federal unfunded mandate for municipalities as a result of urbanized areas. 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.

**After a lengthy discussion, Mayor Pro Tem Mark Singleton moved to table the Storm Water Management Program for further review.** Motion died due to lack of second.

**Councilmember Chuck Beatty moved to approve the Storm Water Management Program.**  
Councilmember Mary Lou Shipley seconded, the vote was as follows:

Ayes:           Chuck Beatty  
                      David Hill  
                      Mary Lou Shipley

Noes:            Kevin Strength  
                      Mark Singleton

**The motion carried.**

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**CITIZENS' PETITIONS AND REQUEST**

Ms. Debra Wakeland, President & CEO Chamber of Commerce, announced several activities for the upcoming weekend including the Gingerbread Trail.

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

Assistant City Manager Michael Scott announced the consulting engineering firm of Kimley Horn submitted the Kirven Street rehab project to the American Public Works Association and as a result they will receive, at their annual conference, the Public Works Project of the Year Award.

Councilmember Chuck Beatty announced Juneteenth activities.

City Manager Paul Stevens announced the City's Finance Department was recently awarded the "Bronze" level of recognition in the Texas Comptroller Leadership Circle. He announced Mayor Strength will be inducted into the North Central Texas Council of Governments Executive Board on June 20, 2014.

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There being no further business the meeting adjourned at 8:50 p.m.

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MAYOR

ATTEST:

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CITY SECRETARY