

City Council
July 7, 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, July 7, 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

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.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of June 16, 2014
- b. Minutes of the City Council Workshop of June 30, 2014
- c. Minutes of the regular Planning & Zoning Commission meeting of June 25, 2014
- d. Minutes of the Cemetery Board meeting of June 12, 2014
- e. Minutes of the Park Board meeting of June 12, 2014
- f. Minutes of the Airport Board meetings of May 8, 2014 and May 14, 2014
- g. Minutes of the Firemen's Relief & Retirement Fund meeting of June 16, 2014
- h. Continuation of Coverage Administrative Agreement with Texas Municipal League
- i. Texas Municipal League Multi-State Intergovernmental Employee Benefits Pool Agreement

Councilmember Chuck Beatty moved to approved Items a. through i. on the Consent Agenda.
Councilmember Mary Lou Shipley seconded. **All Ayes.**

Councilmember Chuck Beatty introduced Mr. Coleman Beddingfield as the Honorary Councilmember for the month of July. He has been involved in UIL Academics and Athletics, FFA, AP Science Club, National Honor Society, Texas Boys State, the Boy Scouts of America (Coleman is an Eagle Scout), the National Merit Scholar Program, UIL One Act Play, and his local First Baptist Church of Waxahachie Youth Group. Coleman was the valedictorian of the Waxahachie High School Class of 2014. He is the son of Shannon and Travis Beddingfield and proud brother of Claire Marie and Mitchell Beddingfield. He loves his family, his friends, and his personal Lord and Savior, Jesus Christ. In life he aspires to become an orthopedic surgeon and will be attending Texas A&M University in the fall of 2014 as a member of the Fighting Texas Aggie Corps of Cadets.

Police Officer Wess Winn reported on March 14, 2014, from 8:00 p.m. – 12:45 a.m., Mike and Ginny Sills assisted the Waxahachie Police Department by staying with an older gentleman who was in the middle stage of Alzheimer's. He had driven to Waxahachie from Kansas the Gills stayed with him at the hotel until his son could get here from Kansas. Officer Winn presented the Mike and Ginny Sills with Certificates of Appreciation for their assistance.

City Manager Paul Stevens announced upon Police Chief Edge's retirement, he appointed Assistant Chief of Police Mitch Bartley to serve as interim Chief. He reported Chief Bartley has been with the Waxahachie Police Department for 26 years.

Mayor Pro Tem Mark Singleton moved to ratify the appointment of Mitch Bartley to interim Police Chief. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Kevin Strength opened the Public Hearing on a request by Terry Nay, for a Site Plan approval within a Planned Development-General Retail (PD-GR) Zoning District for addition of wash bay extension located at 3390 Hwy. 77 North, being Lot 1 and 2, Block 2, High Point Estates - Owner: AMPI/Terry Nay (ZA 2014-19).

Mr. Terry Nay, 711 Brookside Road, Waxahachie, reported the wash bay will load from the rear of the property and the existing wash bay will be modified to load vehicles from the rear.

There being no others to speak for or against ZA 2014-19, Mayor Strength closed the Public Hearing.

Councilmember Chuck Beatty moved to approve a request by Terry Nay, for a Site Plan approval within a Planned Development-General Retail (PD-GR) Zoning District for addition of wash bay extension located at 3390 Hwy. 77 North, being Lot 1 and 2, Block 2, High Point Estates - Owner: AMPI/Terry Nay (ZA 2014-19). Councilmember David Hill seconded, **All Ayes.**

Mr. Joe Rust, 707 Amherst Dr., Waxahachie, requested approval of Preliminary Plat of Lots 1 and 2, Block A, Buffalo Creek Plaza being a 2.451 acre addition in the J.B. and Ann Adams Surveys, Abstract No. 5 and the John Gooch Surveys, Abstract No. 393-Owner: Buffalo Creek Plaza (PLM 2014-17).

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Lots 1 and 2, Block A, Buffalo Creek Plaza being a 2.451 acre addition in the J.B. and Ann Adams Surveys, Abstract No. 5 and the John Gooch Surveys, Abstract No. 393-Owner: Buffalo Creek Plaza (PLM 2014-17). Councilmember Chuck Beatty seconded, **All Ayes.**

Planning Director Clyde Melick announced the Applicant is not present. He presented the Preliminary Plat of Spar-Five Addition Lots 1 & 2, Block A, Lot 1, Block B being a plat of 11.712 acres situated in the A.W. Brown Survey, Abstract No. 102-Owner: Hal Sparrow (PLM 2014-18). He stated retail will be to the front of the property and Light Industrial will be to the back of the property.

Councilmember Mary Lou Shipley moved to approve Preliminary Plat of Spar-Five Addition Lots 1 & 2, Block A, Lot 1, Block B being a plat of 11.712 acres situated in the A.W. Brown Survey, Abstract No. 102-Owner: Hal Sparrow (PLM 2014-18). Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Kevin Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33 Use Charts, Section 33.7 Retail and Service Type Uses, Section 33.8 Recreational and Entertainment Uses, Section 33.9 Automobile and Related Uses, and Section 33.10 Commercial Type Uses.

Planning Director Clyde Melick reported the Use Charts depict what is allowed by right.

There being no others to speak for or against amending the Waxahachie Zoning Ordinance Section 33 Use Charts, Section 33.7 Retail and Service Type Uses, Section 33.8 Recreational and Entertainment Uses, Section 33.9 Automobile and Related Uses, and Section 33.10 Commercial Type Uses, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2749:

ORDINANCE NO. 2749

AN ORDINANCE AMENDING SECTION 33.A OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY AMENDING USES ALLOWED IN SPECIFIED DISTRICTS UNDER SECTIONS 33.7, 33.8, 33.9 AND 33.10, AND DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2749 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Subdivision Ordinance, Section 3.4 Blocks, Section 3.5 Sidewalks, and Section 7.2 Schedule of Filing Fees.

Planning Director Clyde Melick reported block lengths should not exceed 800 feet for SF-2 and SF-3 from 1,200 feet. Residential sidewalks will increase from 4 foot to 5 foot and commercial sidewalks will increase from 5 feet to 6 feet. Section 7.2 will require the developer place money in an account that would be drawn through the development process. This would ensure better preparation of plats and construction drawings.

There being no others to speak for or against amending the Waxahachie Subdivision Ordinance, Section 3.4 Blocks, Section 3.5 Sidewalks, and Section 7.2 Schedule of Filing Fees, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2750:

ORDINANCE NO. 2750

AN ORDINANCE AMENDING SECTIONS 3.4, 3.5(A), AND 7.2(M) OF “APPENDIX C SUBDIVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, AND DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2750 as presented.
Councilmember David Hill seconded, *All Ayes.*

Planning Director Clyde Melick presented proposed Ordinance No. 2751 accepting and approving a Petition for the creation of the North Grove Public Improvement District; setting a public hearing pursuant to Chapter 372 of the Texas Local Government Code for the creation of the public improvement district; and authorizing the mailing and publication of notice by the City Secretary regarding the public hearing. He requested the public hearing be held on Monday, August 4, 2014 and stated all 5 landowners petitioned the City.

ORDINANCE NO. 2751

AN ORDINANCE ACCEPTING AND APPROVING A PETITION FOR THE CREATION OF THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT (“PID”); SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE PID WITHIN THE CITY OF WAXAHACHIE, TEXAS (“CITY”); SETTING THE PUBLIC HEARING FOR THE CREATION OF THE PID; AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE BY THE CITY SECRETARY REGARDING THE PUBLIC HEARING; AUTHORIZING THE STAFF TO REVIEW THE PID PETITION AND ALL RELATED MATERIALS AND TO TAKE ANY NECESSARY ACTION RELATED TO THE CREATION OF THE PID.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2751as modified to include Revenue Bonds and set public hearing date of August 4, 2014. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Planning Director Clyde Melick presented a Pre-Development and Professional Services Agreement between City of Waxahachie and JHDMC, LLC, for the development of North Grove Public Improvement District. He explained the agreement will allow the City to recoup the city's cost for professional services incurred in an amount not to exceed \$30,000.00. Mr. Melick stated No. 5 "Termination" of the Agreement reflects September 7, 2014 and should be September 7, 2015.

Mayor Pro Tem Mark Singleton moved to approve the Pre-Development and Professional Services Agreement between City of Waxahachie and JHDMC, LLC, for the development of North Grove Public Improvement District as amended. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Parks and Recreation Director John Smith presented an update on the city cemetery mapping project. He presented a drawing from Texas Cemetery Restoration depicting 46 unmarked burials located by radar survey and approximately 1,800 new spaces. He stated the unmarked graves will receive a marker with "unknown" on it. The Cemetery Board will review the new spaces and recommend to Council the cost of the new burial sites.

Mayor Strength recommended appointing Mr. Jim Phillips to fill the unexpired term of a Planning and Zoning Commissioner.

Mayor Pro Tem Mark Singleton moved to approve the appointment of Mr. Jim Phillips to the Planning and Zoning Commission. Councilmember Chuck Beatty seconded, **All Ayes.**

CITIZENS' PETITIONS AND REQUEST

Mr. Steve Tunnell, 685 Dawson, Waxahachie, stated he and his wife, Annette, have a Bar-B-Q mobile food service whereas they sell their specialty from a trailer versus a mobile food truck. He explained they were not allowed to participate in the recent food truck pilot program due to they sell from a trailer. Mr. Tunnell asked Council to consider including trailer with truck when considering the definition of a proposed food truck ordinance.

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

Assistant City Manager Michael Scott announced the Departmental Project Status Reports will be in the July 21, 2014 Council packets.

City Manager Paul Stevens thanked Coleman Beddingfield for his attendance as Honorary Councilmember noting he is an outstanding young man and welcomes him back to Waxahachie as a doctor. He thanked Council for ratifying Mitch Bartley as the interim Police Chief. He thanked Planning Director Clyde Melick for the idea of pulling the landowners on the North Grove together for the Public Improvement District endeavor.

Mayor Strength stated he hopes Coleman will come back and work in Waxahachie. He referenced the memo in the Council packet recognizing the Waxahachie Police Department from the Eric Nelson family from an accident of June 2, 2014.

Mayor Pro Tem Mark Singleton concurred with Mr. Stevens and encouraged Coleman to someday return to Waxahachie and practice at the new hospital. He asked the status of keeping yards and front porches clean. Mr. Scott noted the updates will be in the Departmental Project Status Reports and will be delivered in the next Council packets.

Councilmember David Hill stated Coleman is destined for great things.

There being no further business the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Lori Saunders
City Secretary