

City Council
January 20, 2015

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 Tuesday, January 20, 2015, 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
Clyde Melick, Director of Planning
Steve Chapman, City Attorney
Lori Saunders, 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.

Mayor Strength noted Mr. Ken Roberts, KBEC Radio, recently lost his granddaughter and asked for a moment of silence to remember his family.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of December 15, 2014
- b. Minutes of the regular Planning and Zoning Commission meeting of January 14, 2015
- c. Minutes of the Firemen's Relief and Retirement Fund meeting of December 8, 2014
- d. Minutes of the Park Board meetings of January 8, 2015 and December 4, 2014
- e. Minutes of the Cemetery Board meetings of January 8, 2015 and December 4, 2014
- f. Minutes of the Water and Wastewater Utility Advisory Committee meeting of December 10, 2014
- g. Minutes of the Heritage Preservation Commission meeting of December 11, 2014
- h. Minutes of the Keep Waxahachie Beautiful Committee meeting of December 2, 2014
- i. Monthly Code Enforcement Report for December 2014
- j. Monthly Violation Activity Statistics for December 2014
- k. Monthly Crime Report for December 2014
- l. Monthly Fire and EMS Report for December 2014
- m. Monthly Building Reports for November and December 2014
- n. Approve Taxi Cab License
- o. Approve Budget Amendment for Midway Regional Airport

Councilmember Chuck Beatty moved to approve Items a. through o. on the Consent Agenda.
Councilmember Mary Lou Shipley seconded, All Ayes.

Councilmember David Hill introduced Mr. Juan (J.J.) Contreras as the Honorary Councilmember for the Month of January.

Juan is the son of Mellia Melo, is an honors student at Waxahachie Global High School, Navarro College, and the University of Texas at Tyler. He will graduate in May with an associate's of science degree and in June with his High School Diploma with a STEM designation. In the fall, he will continue his education at the University of Texas at Tyler to study mechanical engineering. He enjoys engineering and the hands on opportunities provided through a project based learning environment. Juan said he not only benefits from the academic portion of Global High, but he also benefits from the caring staff, which has shown him the importance of reaching out to the community and making a difference. Contreras shared with Mr. Snook that, "Coming to Global and being able to work with all types of clubs has opened my eyes to the fact that there is more to life than just helping yourself."

Ms. Nisa Hurd, REACH Council of Ellis County, requested approval of the Cupid Shuffle 5k and 15k to be held on Saturday, February 14, 2015. She explained the fundraiser event will benefit REACH Council and Crime Stoppers of Ellis County who frequently work together to serve Ellis County families. Ms. Hurd presented a map of the route that City Staff recently approved.

Mayor Pro Tem Mark Singleton moved to approve the Cupid Shuffle 5k and 15k as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Rivera Truck and Parts, for Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for temporary portable buildings storage and outside storage to be located at 5947 IH 35E N, being 7.52 acres in the Peter B Stout Survey, Abst 1003 –Owner: Jose H. Rivera (ZA 2014-33).

Ms. Amanda Bell, representing Applicant, requested an extension to July 31, 2015 for the storage of the temporary portable buildings.

Councilmember Mary Lou Shipley asked how many portable buildings are stored onsite and what is the Applicant's intent if extension is approved and buildings haven't been moved. Ms. Bell stated there are 120 portable buildings and if not removed in July the Applicant will ask for a zoning change.

Mr. Clyde Melick, Director of Planning, stated the buildings were supposed to be here a short time, due to unforeseen circumstances they cannot be delivered to their destination at this point, they need until July to remove them from the property. The original Specific Use Permit was issued for six months, the applicant received a notice of violation in October and the applicant is requesting additional time.

There being no others to speak for or against Zoning Amendment Request 2014-33, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2775:

ORDINANCE NO. 2775

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 7.52 ACRES IN THE PETER B. STOUT SURVEY, ABSTRACT NO. 1003, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 5947 IH-35E NORTH, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO LIGHT INDUSTRIAL-1 (LI-1) WITH SPECIFIC USE PERMIT (LI w/SUP), FOR THE PURPOSE OF ALLOWING SHORT TERM TEMPORARY PORTABLE BUILDING STORAGE, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

After further discussion, Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2775 as presented. Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength
Mark Singleton
Chuck Beatty
David Hill

Noes: Mary Lou Shipley

The motion carried.

Mayor Strength opened the Public Hearing on a request by Warren D. Wasson for a Specific Use Permit within a Single Family -1 (SF-1) Zoning District for an accessory building located at 102 Bunker Ct., being Lot 10 Block 5 in the Katy Lake on the Greens ph 2 North Addition, being 0.5 acres – Owner: Warren D. Wasson (ZA 2014-34).

Mr. Warren Wasson, 102 Bunker Court, Waxahachie, reported the accessory building will serve as a pool house and be approximately 700 square feet.

There being no others to speak for or against Zoning Amendment Request 2014-34, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2776:

ORDINANCE NO. 2776

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 10, BLOCK 5, KATY LAKE ON THE GREENS, PHASE 2, NORTH ADDITION, CONTAINING 0.5 ACRE, LOCALLY KNOWN AS 102 BUNKER COURT, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-1 (SF-1) TO SINGLE FAMILY-1 WITH SPECIFIC USE PERMIT (SF-1 w/SUP), FOR THE PURPOSE OF ALLOWING THE CONSTRUCTION OF AN ACCESSORY BUILDING ON THE PROPERTY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2776 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Marshall Gage, LLC for a site plan for the Fairfield Inn located at 2020 Civic Center Ln. – Owner: Lookout Partners (ZA 2014-35).

Mr. Clyde Melick, Director of Planning, stated the Applicant is absent. He reviewed the following Staff comments noting the Applicant complies with the Staff comments:

- 1) Applicant requesting approval of Site Plan for Fairfield Inn
- 2) This hotel will be a total of 63,241 sq. ft., and 4 stories high
- 3) There will be 78 guest rooms and a conference room
- 4) General Retail has a height limit of two stories (24 feet), this being a Planned Development and having recently been changed from LI-2 with a height requirement of six stories, along with the Hampton Inn being four stories it makes sense to allow for another four story building here.
- 5) EIFS is not allowed as a building product, External Façade Materials have not been met
- 6) Scale for the building elevation is incorrect
- 7) Dumpster area should not be visible from a Right of Way
- 8) The landscape plan must be sealed by a landscape architect
- 9) No key to the landscape species is provided
- 10) Landscape must comply with visibility issues along Civic Center Lane and John Arden Road
- 11) Pole sign is request which can be allowed with this site plan but not without more detail, like the actual height, this will determine setbacks, etc.
- 12) Building signage is labeled as optional, without correct scale we are unable to determine actual size of potential signage
- 13) Monument sign is in conflict with visibility triangle
- 14) Sanitary Sewer should continue the entire way parallel to the property line

There being no others to speak for or against Zoning Amendment Request 2014-35, Mayor Strength closed the Public Hearing.

Councilmember Mary Lou Shipley moved to approve a request by Marshall Gage, LLC for a site plan for the Fairfield Inn located at 2020 Civic Center Ln. – Owner: Lookout Partners (ZA 2014-35), subject to Staff comments. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Clyde Hargrove for a zoning amendment to Planned Development-67-SF-2, SF-3 to PD-67-SF-2 being 119 acres Garden Valley Farms and Garden Valley Ranch – Owner: WP Legacy, LTD (ZA 2014-36).

Mr. Clyde Hargrove, 101 Valley Ridge Drive, Red Oak, Texas, reported when the acreage was zoned in 2003, one-half was Single Family-2 and the other half was Single Family-3. He explained he would like to eliminate Single Family-3, garages no longer be strictly J-swing.

Mr. Clyde Melick, Director of Planning, reviewed the following Staff comments noting Mr. Hargrove is in agreement:

- 1) Applicant is removing all SF-3 zoning from this PD
- 2) Existing requirements in this Planned Development include:
 - a) Homes will be 100% masonry on front of home
 - b) Each home will have matching brick mailbox
 - c) There shall be a minimum of 7/12 roof pitch
 - d) All garage shall be two car attached; no carports
 - e) Garages in Garden Valley Farms shall be strictly J-swing
 - f) There shall be a min. of two 3” caliper trees in front yard
 - g) Minimum Lot Size
 - i) 50% - 5000 square feet
 - ii) 50% - 6500 square feet
 - h) Minimum dwelling size is 1,450 square feet
- 3) **Proposed changes to the Planned Development:**
 - a) Minimum Lot width on cul-de-sacs and eyebrows will be 55 ft.
 - b) Garages in Garden Valley Farms will no longer be strictly J-swing
 - c) Minimum Lot size
 - i) 100% - 6, 500 square feet
 - d) Houses on the west side of Garden Valley Pkwy, in Garden Valley Farms, will be a minimum of 1,600 square feet
 - e) Should be some language restricting how close the trees can be planted to each other, currently they are being planted fifteen (15’) on center.

There being no others to speak for or against Zoning Amendment Request 2014-36, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2777:

ORDINANCE NO. 2777

AN ORDINANCE AMENDING ORDINANCE NO. 2137, CONCERNING THE ZONING OF 349.254 ACRES OF LAND LOCATED ON THE NORTH SIDE OF BROADHEAD ROAD AND THE WEST SIDE OF BROWN STREET, IN THE ANN ADAMS SURVEY IN THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE ZONING BY ELIMINATING PD-SF-3 ZONING AREAS AND AMENDING THEM TO PD-SF-2, AMENDING SOME PROVISIONS IN ALL OF THE PLANNED DEVELOPMENT DISTRICTS, AND SETTING AN EFFECTIVE DATE .

Councilmember Chuck Beatty moved to approve Ordinance 2777 as presented, subject to Staff Comments. Councilmember David Hill seconded, **All Ayes.**

Mr. Clyde Hargrove, 101 Valley Ridge Drive, Red Oak, Texas, requested approval of Preliminary Plat of Park Place Phase 3 for 67 residential lots, being 19.25 acres in the JB & Ann Adams Survey Abst 5 – Owner: WP Legacy, LTD (PLM 2014-48).

Mr. Clyde Melick, Director of Planning, noted the screening wall and landscape buffer should be provided along Garden Valley Parkway and explained it can be installed at a later date when the development to the north or south is done.

Councilmember Chuck Beatty moved to approve Preliminary Plat of Park Place Phase 3 for 67 residential lots, being 19.25 acres in the JB & Ann Adams Survey Abst 5 – Owner: WP Legacy, LTD (PLM 2014-48 as presented. Councilmember David Hill seconded, **All Ayes.**

Mr. Steve Wilson, 155 Lakeshore Drive, Waxahachie, requested approval of Preliminary Plat of Willow Springs, phase Two, Sections One and Two, being 22.925 acres in JB & Ann Adams Survey –Owner: Abby Realty (PLM2014-31).

Mr. Clyde Melick, Director of Planning, reviewed the following Staff comments:

- 1) Phasing schedule needs to be provided
- 2) A portion of the lots are within the floodplain, this is carried over from the previous plat, a detailed study has been done but a Letter of Map Revision has not been done
- 3) Turnaround needs to be provided for fire equipment at end of each phase
- 4) At Final Plat stage all easements need to be clarified
- 5) 12 copies of the exhibit are needed

Councilmember David Hill moved to approve Preliminary Plat of Willow Springs, phase Two, Sections One and Two, being 22.925 acres in JB & Ann Adams Survey –Owner: Abby Realty (PLM2014-31), subject to Staff comments. Councilmember Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens presented Ordinance No. 2778 providing for lateral entry for police officers and firefighters. He explained the Ordinance authorizes lateral entry pay into the City's Civil Service base pay structure which helps the departments remain competitive in the market for recruitment and retention efforts.

ORDINANCE NO. 2778

AN ORDINANCE PROVIDING FOR LATERAL ENTRY FOR POLICE OFFICERS AND FIREFIGHTERS.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2778 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Thanasis Kombos, Budget Analyst, presented the following Resolutions No. 1190 and 1191 noting the policies are being used day by day and rating agencies are now looking for these adopted policies from entities. Mr. Kombos reviewed the Exhibits and removed the twenty-five percent requirement.

RESOLUTION NO. 1190

A RESOLUTION RE-AFFIRMING AND EXPANDING A FUND BALANCE POLICY AS RECOMMENDED BY THE GOVERNMENT ACCOUNTING STANDARDS BOARD AND THE EXECUTIVE BOARD OF THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

WHEREAS, the Government Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA), through various proclamations and best practice statements, including GASB Statement No. 54, GFOA best practice statement "Adopting Financial Policies," and GFOA best practice statement "Determining the Appropriate Level of Unrestricted Fund Balance in the General Fund" encourage local governments to develop and implement a fund reserve policy; and

WHEREAS, The City Council affirms the importance of such a policy, which has valuable use in navigating through periods of significant revenue and expenditure fluctuation, stabilizing tax rates and cash flows, and improving budget clarity and transparency for citizens; and

WHEREAS, The City Council reaffirms Resolution No. 1166.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Waxahachie that the City of Waxahachie adopt the attached "Exhibit A" Fund Balance Policy:

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1190 as amended.
Councilmember David Hill seconded, **All Ayes.**

RESOLUTION NO. 1191

A RESOLUTION ESTABLISHING A BUDGET POLICY AS RECOMMENDED BY THE EXECUTIVE BOARD OF THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

WHEREAS, Chapter 102, Title 4 of the Texas Local Government Code requires Texas municipalities to formulate and adopt an annual budget that must include comprehensive financial information relative to the costs of the services and programs it provides to the public as well as the resources available to fund these activities; and

WHEREAS, Article V of the City Charter enumerates that the City Manager shall annually submit to the City Council a proposed budget, which shall include a complete financial plan and outline of proposed financial policies for the fiscal year; and

WHEREAS, the City Council acknowledges that the Executive Board of the Government Finance Officers Association approved as a recommended best practice to local governments the adoption of financial policies in January 2001; and

WHEREAS, the City Council affirms that the annual budget is not simply a mandated legislative requirement but a primary and necessary tool for municipal planning, fiscal control and public accountability; and

WHEREAS, the City Council affirms that the annual budget represents the City Council's attempt to realize both diverse community needs and provide public services that enable citizens and the local economy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Waxahachie that the City of Waxahachie adopt the attached "Exhibit A" General Budget Policy:

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1191 as amended.
Councilmember David Hill seconded, **All Ayes.**

CITIZENS' PETITIONS AND REQUEST

Mr. John Hamilton, 910 W. Marvin, Waxahachie, spoke in opposition of the Marvin Avenue Street Rehab noting narrowing the street takes away from the history of Marvin Avenue and narrowing the street will cause backups.

Mr. Don Wilson, 106 Harbin, Waxahachie, spoke in opposition of the Marvin Avenue Street Rehab noting funds should be spent on connecting streets. He recommended repaving Marvin Avenue with turn lanes in the middle.

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

Councilmember Chuck Beatty thanked all who participated in the Martin Luther King Day festivities and thanked Interim Police Chief Mitch Bartley for participation on the Q&A panel.

City Manager Paul Stevens referenced a thank you letter from a visitor to Bethlehem Revisited that had fallen and received assistance from Officer Derrick Young. He complimented Ms. Amy Hollywood, Director of Communications and Marketing, and all that worked with her on the American Sniper and Taya Kyle's presentation.

Mayor Pro Tem Mark Singleton referenced Marvin Avenue stating he felt the city didn't do a good job designing the rehab and recommended repairing the street and using the money in other places.

Mayor Kevin Strength stated City Council asked City Staff to think outside the box and come back with ideas and that doesn't mean all will be done. He stated Council is responsible for having Staff look at Marvin Avenue but ultimately the residents decide. Mr. Stevens stated there will be more discussion and a decision will be made soon.

Councilmember David Hill stated narrowing Marvin Avenue concerns him and offered widening the sidewalks. He thanked Juan Contreras for participating as Honorary Councilmember.

Ms. Amy Hollywood, Director of Communications and Marketing, announced the Mayor's Breakfast to be held Tuesday, January 27th at 8:30 at the Civic Center.

There being no further business the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Lori Saunders
City Secretary