

City Council
February 16, 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 Monday, February 16, 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.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of February 2, 2015
- b. Minutes of the regular Planning and Zoning Commission meeting of February 11, 2015
- c. Minutes of the Keep Waxahachie Beautiful Committee meeting of January 13, 2015
- d. Monthly Code Enforcement Report for January 2015
- e. Monthly Violation Activity Statistics for January 2015
- f. Monthly Crime Report for January 2015
- g. Monthly Fire and EMS Report for January 2015
- h. Approve Budget Amendment Request from Utility Department

City Manager Paul Stevens noted item h. above has been removed and will not be considered.

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

Councilmember Mary Lou Shipley introduced Ms. Mikayla Acosta as Honorary Councilmember for the Month of February and presented Ms. Acosta with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

City Manager announced he has selected Mr. Wade Goolsby as the new Police Chief of the City of Waxahachie. Mr. Goolsby currently serves as deputy chief of the Seguin Police Department. He started his career with the Arlington Police Department serving there for 15 years and serving

at the Coppell Police Department for 10 years. Mr. Stevens asked Council to confirm his appointment as required by Chapter 143 of the Civic Service.

Mayor Pro Tem Mark Singleton moved to confirm the appointment of Mr. Wade Goolsby as Police Chief. Councilmember Mary Lou Shipley seconded, **All Ayes.**

City Manager Paul Stevens presented the Employment Agreement between the City of Waxahachie and Mr. Wade Goolsby.

Councilmember Mary Lou Shipley moved to approve the Employment Agreement between the City of Waxahachie and Mr. Wade Goolsby. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Ms. Anita Brown, Director of Downtown Development, announced the City recently received National Main Street Accreditation from the Texas Historical Commission. She reported to receive this special recognition cities must complete a state performance review that measures the successfulness of the city's annual program of work and score a minimum of 90. Ms. Brown reported the City scored 107. She thanked City Council, City Manager Paul Stevens, and Staff for their dedication to the development of downtown.

Council congratulated Ms. Brown and commended her for her loyalty to downtown Waxahachie.

Mr. Doug Barnes, Director of Economic Development, presented Resolution No. 1195 adopting guidelines and criteria for governing Economic Development incentives. He explained this is the policy defining tax incentives requiring approval every 2 years.

RESOLUTION NO. 1195

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING ECONOMIC DEVELOPMENT INCENTIVES, PARTICULARLY TAX ABATEMENT AGREEMENTS, WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION.

WHEREAS, the City Council desires to promote economic development within Waxahachie; and

WHEREAS, the provision of certain economic development incentives may encourage prospective businesses and companies to locate in Waxahachie or existing businesses and companies to expand; and

WHEREAS, the establishment of specific guidelines, criteria, and procedures are necessary to insure that tax abatement incentives are given and administered effectively; and

WHEREAS, the adoption of guidelines and criteria are required by State law before an area may be established as a reinvestment zone;

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

Section 1. That the City of Waxahachie hereby establishes certain guidelines and criteria governing economic development incentives, including tax abatement agreements, within the City of Waxahachie and its extraterritorial jurisdiction attached as “Exhibit A”, and such guidelines and criteria shall expressly govern all subsequent tax abatement agreements.

Section 2. That an ECONOMIC DEVELOPMENT COMMISSION has been established by ordinance of the City of Waxahachie and charged with the duty of reviewing all applications for tax abatement, making recommendations to the City Council, concerning such applications, and initiating amendments to these guidelines and criteria.

Section 3. That such guidelines and criteria shall be effective for two (2) years from February 16, 2015 and may only be amended or repealed by a three-fourths vote of the City Council.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1195 as presented.
Councilmember David Hill seconded, *All Ayes.*

Mr. Doug Barnes, Director of Economic Development, presented Resolution No. 1196 amending Resolution No. 1155 concerning recapture of incentive value of the event of default.

RESOLUTION NO. 1196

A RESOLUTION AMENDING SECTION 5(e) OF RESOLUTION NO. 1155, CONCERNING RECAPTURE OF INCENTIVE VALUE IN THE EVENT OF DEFAULT, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 5 (e) of Resolution No. 1155, as amended to read as follows:

(e) The recapture of all incentive value provided in the event of default by the party to the Agreement, except that when the City is not advancing funds or waiving fees, and is paying incentives out of funds as received by the City, that the City may eliminate the recapture of incentive funds paid before default.

WHEREAS, This Resolution shall take effect immediately from and after its adoption, and it is accordingly so resolved.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1196 as presented.
Councilmember David Hill seconded, *All Ayes.*

Mr. Doug Barnes, Director of Economic Development, presented a Chapter 380 Economic Development Agreement providing incentives for WAX 77 Investors, LP to improve property and construct a retail center being approximately 26 acres of land located at North Highway 77 and Bessie Coleman Blvd.

Mayor Pro Tem Mark Singleton moved to approve the Economic Development Agreement between the City of Waxahachie and Wax 77 Investors, LP as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Hunt Properties, Inc. for the approval of a site plan at the corner of Country Meadows and Hwy 77 in Planned Development-42-Commercial (PD-42-C) being 26.325 acres in the Henry Levy Survey-Owner: Kris Risser Estes et al (ZA 2015-02).

Mr. Lawrence Cates, Engineer, and Mr. Gerald Luecke, Architect representing Applicant, stated they are in compliance with the following Staff Comments and are currently working with Kimley-Horn and Associates.

- 1) Applicant requests approval of site plan for the construction of a retail shopping center
- 2) A Traffic Impact Analysis has been completed and has called for several improvements, these are being coordinated with other developments and will be installed. This will probably affect the actual layout of the lot, ROW Dedication, etc and will be handled during construction review.
- 3) Screening is achieved through a living wall of Red Cedars, these may serve as a better screen at the back of the property
- 4) Veneer must be 3 5/8' thick and laid upon
- 5) Center driveway should be a boulevard concept if possible, with sidewalks
- 6) Access should be limited along this boulevard
- 7) Tree planters in front of retail should be a minimum of 6' x6'
- 8) Outdoor storage will be allowed only in shaded area in front of Sports Store
- 9) Along Bessie Coleman and Country Meadows and center driveway there needs to be an 6 foot pedestrian sidewalk, and there should be a planting strip between sidewalk and roadway
- 10) Please indicate the 30' drainage easement will be abandoned per this project.
- 11) A TxDOT driveway permit will need to be obtained prior to final approval of the plans.
- 12) The site plan shows the proposed 66" RCP discharging on to private property. An easement (via separate instrument or plat) or a letter of permission will need to be obtained prior to the approval of allowing this outfall location.
- 13) TxDOT will need to approve the driveway spacing between the two driveways entrances that are located within 300' of each other. It is highly recommended these two drives are not located adjacent to each other. The existing driveway needs to be removed.
- 14) Provide hardscape amenities like bike racks, trash cans, benches, etc
- 15) Parking lot light poles can be 35 ft on 3ft bases
- 16) It is difficult to verify the driveway spacing along Country Meadows Blvd. meets the City's driveway spacing requirement. Please verify.

There being no others to speak for or against ZA2015-02, Mayor Strength closed the Public Hearing.

After a brief discussion, Councilmember Chuck Beatty moved to approve a site plan at the corner of Country Meadows and Hwy 77 in Planned Development-42-Commercial (PD-42-C) being 26.325 acres in the Henry Levy Survey-Owner: Kris Risser Estes et al (ZA 2015-02). Councilmember David Hill seconded, All Ayes.

Mr. Larry Cates, Engineer for Applicant, requested approval of Preliminary Plat of Waxahachie Towne Crossing for a retail development being 4 lots situated in 26.325 acres in the Henri Levy Survey Abst 629. Owner: Kris Risser Estes et al (PLM 2015-02).

Mr. Clyde Melick, Director of Planning reviewed the following Staff Comments noting Staff and Engineer are working on the comments. He recommended approval.

- 1) Applicant proposes preliminary plat for the development of a retail shopping center
- 2) Street lights need to be installed on Bessie Coleman and Country Meadows
- 3) Parkland dedication fee is \$600 per acre
- 4) 10' utility easement by others as shown along the north property line is incorrect. Easement is 25' in width.
- 5) Provide executed easement agreement, field notes and plat from Kris Riser Estes, ET AL, for proposed off-site sanitary sewer easement paralleling Bessie Coleman Boulevard.
- 6) Remove the 10' Sanitary Sewer Easements (S.S.E.) for the four sanitary sewer services and the one 10' Water Easement (W.E.) for the fire line service adjacent to Lot 2 south property line as shown on the Preliminary Plat mark-up. The sanitary sewer services and fire line services are private services lines. Enlarge the 10' Water Easement on Lot 2 for Retail I to 15' wide for the public domestic water service.
- 7) In the metes and bounds description of the plat, the second #2 statement's central angle appears to not match the plat. Please check
- 8) Verify if the 30' wide drainage easement be abandoned by this plat
- 9) The storm drain outfall is discharging on to the adjacent property. An easement will need to be dedicated for this outfall. The easement can be provided by separate instrument.
- 10) Verify if the proposed easements overlap the Texas Power and Light Company easement, if so, explain how rights to this land will be managed
- 11) Sight triangles will be required on final plat
- 12) As a general note, there were a few locations within the general notes that conflict with the
-#17 water, see the meter and service detail to update this note;
-#10 sewer, see the sanitary sewer detail to update this note;
- 13) TIA needed to assure there is adequate public infrastructure per section 3.1F3A1 of the city code of ordinances
 - a)Collection of turning movement counts at the intersections outlined in the "background information" section of the submitted memorandum during the weekday and weekend peak hour
 - b)A formal TIA analyzing existing and proposed traffic on the intersections outlined in the "background information" section of the memo as well as the

proposed driveways per section 3.1Fa. This analysis should include a growth rate applied to background traffic to account for the phasing of the development. The growth rate should be based on historical traffic counts in the area.

c) Roadway link analysis should also be performed for US 77 from the Country Meadows Blvd to US 287

d) The TIA should analyze traffic signal spacing between the proposed development traffic signal at Bessie Coleman and US 77 and the existing traffic signal at YMCA Dr and US 77. The two intersections appear to be spaced less than 500' apart which may be difficult to receive TxDOT approval

e) Access driveway spacing along US 77 should be considered, this is required to be approved through TxDOT. Driveway spacing on the provided site plans doesn't appear to meet TxDOT driveway spacing, if so this would require a variance from TxDOT.

- 14) Within thirty (30) days after City Council approval provide City Planning Department with twelve (12) corrected copies

Councilmember David Hill moved to approve Preliminary Plat of Waxahachie Towne Crossing for a retail development being 4 lots situated in 26.325 acres in the Henri Levy Survey Abst 629. Owner: Kris Risser Estes et al (PLM 2015-02), subject to Staff Comments.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Matt Terry, LH Lacy Company LTD, for a Specific Use Permit within a Planned Development-81 (PD-81) Zoning District for a temporary batch plant used in the construction of Saddlebrook Estates Phase 1B, located in the M. Rafferty Survey & G. Carpenter Survey being 491.541 acres and 1000ft from Arabian Rd.- Owner: 287 Waxahachie LP (ZA 2015-01).

Mr. Clyde Melick, Director of Planning stated the temporary batch plant enables the developer to pour concrete faster and it keeps the concrete trucks off the streets. He recommended approval.

There being no others to speak for or against Zoning Amendment ZA 2015-01, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2780:

ORDINANCE NO. 2780

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PROPERTY SITUATED ON 491.541 ACRES IN THE G. CARPENTER SURVEY, ABSTRACT NO. 190 AND THE M. RAFFERTY SURVEY, ABSTRACT NO. 898, 1000 FEET FROM ARABIAN ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS , BEING PLANNED DEVELOPMENT-81 (PD-81) TO PLANNED DEVELOPMENT-81 WITH SPECIFIC USE PERMIT (PD-81 w/SUP), FOR THE PURPOSE OF ALLOWING A TEMPORARY CONCRETE BATCH PLANT FOR

PAVING PUBLIC RIGHT OF WAY AT SADDLEBROOK ESTATES, PHASE 1B, WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, AN EMERGENCY IS DECLARED TO EXIST AND SETTING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2780 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Joe Rust, 440 Gingerbread Lane, Waxahachie, requested approval of Replat of Lot 3R-A and Lot 3R-B of North Waxahachie Industrial Park, being 3.09 acres -Owner: CJ Commercial Co. LLC (RP 2014-45).

Mayor Pro Tem Mark Singleton moved to approve Replat of Lot 3R-A and Lot 3R-B of North Waxahachie Industrial Park, being 3.09 acres -Owner: CJ Commercial Co. LLC (RP 2014-45). Councilmember David Hill seconded, **All Ayes.**

Mr. Brett Hess, Hi View Real Estate, representing Applicant, requested approval of Preliminary Plat of Pioneer Point, for 150 residential lots, being 194.502 acres situated in the Charles Atteberry Survey, Abst 10 in the ETJ. -Owners: Kars Tamminga (PLM 2014-50). He reported the subdivision will be built in 7 phases.

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Pioneer Point, for 150 residential lots, being 194.502 acres situated in the Charles Atteberry Survey, Abst 10 in the ETJ. -Owners: Kars Tamminga (PLM 2014-50). Councilmember David Hill seconded, **All Ayes.**

Fire Chief Ricky Boyd reported in January East Texas Medical notified the City that they will no longer be providing paramedic ambulance services and recommended CareFlite to fulfill the remaining of the contract which expires January 2, 2016. Chief Boyd requested approval of Assignment of Contract for Paramedic Ambulance Services between East Texas Medical, CareFlite, and City of Waxahachie.

Mayor Pro Tem Mark Singleton moved to approve the Assignment of Contract for Paramedic Ambulance Services between East Texas Medical, CareFlite, and City of Waxahachie as presented. Councilmember David Hill seconded, **All Ayes.**

Fire Chief Boyd presented an Assignment and Amendment of Lease Agreement between East Texas Medical Center, CareFlite and City of Waxahachie. He explained this allows the current lease agreement with East Texas Medical Center to carry over to CareFlite.

Mayor Pro Tem Mark Singleton moved to approve Assignment and Amendment of Lease Agreement between East Texas Medical Center, CareFlite and City of Waxahachie as presented. Councilmember David Hill seconded, **All Ayes.**

Fire Chief Boyd presented a Notice of Nonrenewal of Contract for Paramedic Ambulance Services addressed to Mr. Jim Swartz, CareFlite, depicting the contract for paramedic ambulance services by and between the City of Waxahachie and East Texas Medical Center Emergency Medical Services is assigned to CareFlite effective at 7:00 a.m. on March 1, 2015.

Mr. Kevin Reynolds, CareFlite, stated they look forward to working with the City and was able to hire 90 percent of East Texas Medical Service staff.

Mayor Pro Tem Mark Singleton moved to approve the Notice of Nonrenewal of Contract for Paramedic Ambulance Services as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Fire Chief Boyd presented Resolution No. 1197 approving an Interlocal Cooperation Agreement with the City of Cedar Hill to participate in a Cooperative Purchasing Program. He explained the agreement allows the City to receive approximately a 25% discount being a better way to purchase products.

RESOLUTION NO. 1197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF CEDAR HILL TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie desires to enter into an Interlocal Cooperation Agreement by and between the City of Waxahachie and the City of Cedar Hill to participate in a Cooperative Purchasing Program; and

WHEREAS, the City of Waxahachie and the City of Cedar Hill are authorized pursuant to Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code to enter into this Agreement.

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

SECTION 1. That the Interlocal Cooperation Agreement, which is attached hereto and incorporated as Exhibit A, by and between the City of Waxahachie and the City of Cedar Hill is hereby approved; and the City Mayor is hereby authorized to execute the same on behalf of the City.

SECTION 2. That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 3. This Resolution shall take effect immediately upon passage.

Councilmember Chuck Beatty moved to approve Resolution No. 1197 as presented.
Councilmember Mary Lou Shipley seconded. **All Ayes.**

City Manager Paul Stevens presented Resolution No. 1198 declaring intent to reimburse expenditures with proceeds of future debt for the purpose of replacement, reconstruction and rehabilitation of paving, drainage and utilities. He explained this allows reimbursement to the General Fund before issuing bonds this year and allows the City to spend monies on the engineering.

RESOLUTION NO. 1198

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 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.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1198 as presented.
Councilmember Mary Lou Shipley seconded. **All Ayes.**

City Manager Paul Stevens presented Ordinance No. 2781 amending Section 26 of the Code of Ordinances regarding tow trucks. He explained the amendments include the Police Department approves the location of the storage facility and the permit application will receive the permit at the Police Department instead of the City Secretary's office.

ORDINANCE NO. 2781

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS,
AMENDING THE WAXAHACHIE CODE OF ORDINANCE BY
AMENDING SECTIONS 26-54(a) AND 26-62(a) DEALING WITH TOW
TRUCKS, DECLARING AN EMERGENCY AND PROVIDING FOR AN
EFFECTIVE DATE.**

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2781 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. John Hamilton, 910 West Marvin, Waxahachie, spoke against the Marvin Rehabilitation Project to include a bike trail and bulb outs. He presented to the City Secretary a petition of signatures opposing the rehab.

Others who spoke against the Marvin Rehabilitation Project to include a bike trail and bulb outs:

Mr. Don Wilson, 106 Darmouth
Ms. Mindy Autrey, 06 Harbin
Mr. David Walker, 909 West Marvin
Mr. Jim Kauffman, 817 West Marvin
Ms. Peggy Crabtree, 607 W. Jefferson St.
Ms. Ginger Cole, 201 Rock Springs

Mayor Strength thanked audience members for their comments and noted Council and Staff is continuing to consider options.

Comments by Mayor, City Council, City Attorney and City Manager

Council, City Manager and Assistant City Manager welcomed Mr. Wade Goolsby for his appointment to Police Chief. They each thanked Interim Police Chief Mitch Bartley for his service as Interim Police Chief.

City Manager Paul Stevens referenced Marvin Rehabilitation Project noting Staff is looking at the City as a whole and trying to accommodate the entire city. He thanked on Tuesday, February 24th at 8:30 a.m. the Senior Center will thank Baylor Works for their donation of exercise equipment to the Center. He announced the Chamber Banquet is scheduled for Thursday, February 26th at 7:00 p.m. at the Civic Center.

Mayor Pro Tem Mark Singleton thanked the audience for the comments pertaining to the Marvin Rehabilitation Program noting Council will have more discussion and address the issue brought before them.

Councilmember David Hill asked Council and Staff to keep Mr. Singleton's father in prayer. He announced today is his 40 Anniversary.

Mayor Strength announced at 8:20 p.m. Council will convene into Executive Session to review the performance evaluation of the City Manager.

Council reconvened at 9:35 p.m.

Mayor Pro Tem Mark Singleton moved to approve the City Manager's contract, raise the base pay to \$185,000 and raise the deferred to \$10,000. Councilmember Mary Lou Shipley seconded, **All Ayes.**

There being no further business the meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Lori Saunders
City Secretary