

City Council
March 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, March 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
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Mayor Kevin Strength called the meeting to order. Councilmember David Hill 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 March 2, 2015
- b. Minutes of the special City Council meeting of February 26, 2015
- c. Minutes of the regular Planning and Zoning Commission meeting of March 11, 2015
- d. Minutes of the Economic Development Commission meeting of March 9, 2015
- e. Minutes of the Firemen's Retirement and Relief meetings of February 9, 2015 and March 9, 2015
- f. Minutes of the Keep Waxahachie Beautiful Committee meeting of February 10, 2015
- g. Minutes of the Heritage Preservation Commission meeting of February 19, 2015
- h. Monthly Code Enforcement Report for February 2015
- i. Monthly Violation Activity Statistics for February 2015
- j. Monthly Crime Report for February 2015
- k. Monthly Building Report for January 2015
- l. Renewal of parking and loading zone lease spaces

Councilmember Chuck Beatty moved to approve Items a. through l. on the Consent Agenda.

Councilmember Mary Lou Shipley seconded, All Ayes.

Mayor Strength introduced Mr. Ben Terry as Honorary Councilmember for the Month of March and presented Mr. Terry with a Certificate of Appreciation for his participation in the Honorary Councilmember program.

Ms. Kim Hillman, Waxahachie Prep Academy requested approval of their 2nd Annual Family 5k to be held Saturday, April 25, 2015 at 8:00 a.m. The start/finish is located at Heritage Baptist Church, 1,000 Butcher Road with the route crossing Butcher road into the neighborhood north of Shackelford Elementary. Ms. Hillman requested police traffic control on Butcher Road while participants cross the road.

Mayor Pro Tem Mark Singleton moved to approve Waxahachie Prep Academy Family 5k to be held Saturday, April 25, 2015 at 8:00 a.m. as presented. Councilmember David Hill seconded, **All Ayes.**

Ms. Anna Marie Warren, Waxahachie High School requested approval of fireworks show at High School Graduation to be held June 5, 2015 at approximately 9:00 p.m. She stated the fireworks will last 3-5 minutes and are similar to the fireworks at major baseball games. Ms. Warren stated she is working with City Staff and does have the state license from the pyrotechnic company to provide the Fire Chief. The display will be on the north side of the football stadium.

Councilmember Chuck Beatty moved to approve of fireworks show at High School Graduation to be held June 5, 2015 at approximately 9:00 p.m. as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. David Hudgins, Historic Waxahachie, Inc. requested approval of street closure for event celebrating the completion of the mural project on Parks and Recreation Building, 401 S. Elm. The event will take place on Sunday, April 19, 2015 at 3:00 p.m. and is open to the public. Ballpark food will be served and the artist will be present. Mr. Hudgins requested permission to close Madison Street from Elm to Rogers from 2:00 p.m. until 6:00 p.m. He stated Historic Waxahachie, Inc. is very proud of the mural and the historic stories it displays.

Mayor Pro Tem Mark Singleton moved to approve street closure to celebrate the mural project on Sunday, April 19, 2015 from 2:00 p.m. until 6:00 p.m. as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Dean McGuire, for a Specific Use Permit for temporary buildings in a General Retail (GR) Zoning District located at 701 Ovilla Rd., being Lot 1A and Lot 4A, Block 86 of Faith Family Academy Addition, 9.885 acres. Owner: Faith Family Academy (ZA 2015-05).

Mr. Dean McGuire, 1620 Falcon Drive, DeSoto, Texas, representing owner, reported the school is expanding and requested portable buildings during the expansion. He requested four (4) buildings to be used as temporary classrooms and need them for a period of two (2) years. Each building will be approximately 32x64 and hold 8 classrooms.

Mr. Clyde Melick, Director of Planning recommended the two year period begin from the date of occupancy being August 1, 2015 until September 1, 2017.

There being no others to speak for or against Zoning Amendment 2015-05, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2787 noting the Ordinance will be amended to reflect the two year occupancy from August 1, 2015 until September 1, 2017.

ORDINANCE NO. 2787

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1A AND LOT 4A, BLOCK 86, FAITH FAMILY ACADEMY ADDITION, CONTAINING 9.885 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS BEING LOCATED AT 701 OVILLA ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR w/SUP), FOR THE PURPOSE OF ALLOWING TEMPORARY BUILDINGS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2787 as amended.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Brad Yates, for a Zoning Change from Single Family-3 (SF-3) to a Planned Development–Two Family (PD-2F) Zoning District located at 106 Jarrett Rd., being Lot 65 and 66, Block 181 of Town Addition, 0.172 acres. Owner: Loren Gray Investments, LLC (ZA 2015-06).

Mr. Brad Yates, 1025 W. Main, Waxahachie, requested to build a duplex on the property noting each living unit will be on a separate platted lot.

Those who spoke against ZA2015-06:

Ms. Barbara Turner, 406 Bluff Creek, Ovilla, Texas

There being no others to speak for or against Zoning Amendment Request 2015-06, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2788:

ORDINANCE NO. 2788

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 65 AND LOT 66, TOWN ADDITION, CONTAINING 0.172 ACRE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 106 JARRETT ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-TWO FAMILY (PD-2F) 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. 2788 as presented. Councilmember David Hill seconded, *All Ayes.*

Mr. Brad Yates, 1025 W. Main, Waxahachie, requested approval of a replat of Lot 1R and 2, Block 1R of Southpark Addition, being 0.333 acres. - Owner: Loren Gray Investments, LLC. (RP 2015-06). He reported the current structure will be moved and replaced with a proposed duplex.

Councilmember Chuck Beatty moved to approve a replat of Lot 1R and 2, Block 1R of Southpark Addition, being 0.333 acres. - Owner: Loren Gray Investments, LLC. (RP 2015-06). Mayor Pro Tem Mark Singleton seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Brad Yates, for a Zoning Change from Single Family-3 (SF-3) to a Planned Development–Two Family (PD-2F) Zoning District located at 107 Opal being Lot 15, Block 1R and of Southpark Addition, 0.3330acres. Owner: Loren Gray Investments, LLC (ZA 2015-07).

Mr. Brad Yates, 1025 W. Main, Waxahachie, reported each duplex unit will be platted on individual lots and he extended the eastern driveway to the rear another 20 feet.

There being no others to speak for or against ZA2015-07, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2789:

ORDINANCE NO. 2789

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 1R, BLOCK 15, SOUTHPARK ADDITION, CONTAINING 0.3330 ACRE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 107 OPAL STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-TWO

**FAMILY (PD-2F) AND ORDERING THE CHANGING OF THE ZONING
MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

Councilmember Chuck Beatty moved to approve Ordinance No. 2789 as presented.
Councilmember Mary Lou Shipley seconded, All Ayes.

Mayor Strength opened the Public Hearing on a request by Vaquero Ventures, for a Zoning Change from a Future Development (FD) to General Retail (GR) Zoning District located at 77 Janis Ln., being Lot 1, Block 1 of High Points Addition, being 1.03 acres. Owner: Alton Hinsley (ZA 2015-08).

Mr. Doak Ralston, 3211 West 4th Street, Fort Worth, Texas, reported the purpose is for a general retail store and will complement the future development on the north side corridor.

Mr. Clyde Melick, Director of Planning, referenced the drainage issue affecting adjoining property and stated it will be addressed at plan review.

There being no others to speak for or against ZA2015-08, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2790:

ORDINANCE NO. 2790

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR LOT 1, BLOCK 1, HIGH POINTS ADDITION, CONTAINING 1.03 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 77 JANIS LANE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING FUTURE DEVELOPMENT (FD) TO GENERAL RETAIL (GR) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2790 as presented.
Councilmember David Hill seconded, All Ayes.

Mr. Clyde Melick, Director of Planning, announced Applicant is absent and presented a Replat of Lot 6CR Block 30 of Bullards Addition, being 0.766 acres. –Owner: Allen Bendorf (RP 2015-03). He presented the following Staff Comments:

1. The applicant wishes to amend the plat to remove an easement
2. Need to provide at 15' utility easement across front of property
3. Need to provide more detail and label easement across northwest side of property
4. Signature Block should include Planning and Zoning Commissioner, Mayor, and Attest

5. Applicant to submit twelve (12) additional corrected copies all with original signatures of property owners within thirty (30) days of City Council approval

Mr. Melick reported the Applicant has agreed to all Staff Comments and stated there is adequate right of way to address the traffic.

Councilmember David Hill moved to approve Replat of Lot 6CR Block 30 of Bullards Addition, being 0.766 acres. –Owner: Allen Bendorf (RP 2015-03), subject to Staff Comments.

Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Doug Barnes, Director of Economic Development, presented Resolution No. 1200 approving Tax Abatement Agreement for Noran Real Estate Holdings, LLC for modification and expansion of manufacturing facility. He reported new construction of approximately 185,000 square foot is being added for warehouse, office space, and exterior renovations. Estimated completion will be September 2015. Mr. Barnes reported CR Lawrence has invested approximately \$20 million and under the tax abatement program, \$15,850,000 will be abated over a 7 year period. He explained if approved the contract will start January 21, 2016 and end of January 21, 2023. The property for the year 2014 appraised value is \$2,230,200.

RESOLUTION NO. 1200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF WAXAHACHIE, TEXAS AND NORAN REAL ESTATE HOLDINGS, LLC; AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE THE ASSISTANT CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas and Noran Real Estate Holdings, LLC, establishing a Reinvestment Zone in the City of Waxahachie, Texas, and providing for a commercial/industrial tax abatement for Noran Real Estate Holdings, LLC, a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called “Agreement”); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence the Assistant City Manager, shall be authorized to execute it on behalf of the City of Waxahachie; and

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

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Waxahachie and found to be acceptable and in the best interests of the City of Waxahachie and its citizens, are hereby in all things approved.

Section II. The City Manager, or in his absence the Assistant City Manager, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Waxahachie, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective from and after its passage.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1200 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works, reported on March 5, 2015 the following bids were received for the Olive Street Test Repair Section - Cynisca Street to John Arden Drive project:

Quality Excavation, Ltd.	\$222,115.00
J&K Excavation, LLC	\$252,310.20
Pavecon Public Works, L.P.	\$301,696.55

Mr. Chambers recommended Quality Excavation, Ltd. for a bid amount of \$222,115.00 and stated they are currently working on Virginia Street. He stated Engineers Kimley-Horn reviewed Quality Excavation, Ltd.'s qualifications and bonding company.

Mayor Pro Tem Mark Singleton moved to award the bid for Olive Street Test Repair Section – Cynisca Street to John Arden Drive project to Quality Excavation, Ltd. in the amount of \$222,115.00. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Lieutenant Marcus Brown presented a Communications Site Agreement with Ellis County for Radio Tower use for VHF Radio System. He explained it entails moving from the site in Boyce to the Ellis County site off of County Road 878. Ellis County will provide a computer to the City to back on VHF to communicate with Ellis County Law Enforcement.

City Manager Paul Stevens stated Lieutenant Brown took over the Emergency Management in 2013 and has done an outstanding job and appreciates his dedication.

After further discussion, Councilmember Chuck Beatty moved to approve Communications Site Agreement between the City of Waxahachie and Ells County for Radio Tower Site use for VHF Radio System. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. David Bailey, Director of Utilities, requested a budget amendment for relocating a portion of the Waxahachie Creek trunk sewer line. He explained TxDot is proposing improvements to F.M. 875 roadway and replacement and widening of the existing bridge over Waxahachie Creek. The existing city sanitary sewer line will be in conflict with a portion of the proposed bridge improvements and will need to be relocated. Engineering and construction cost is estimated to

be \$290,000. Mr. Bailey stated TxDot is scheduled to bid their project in June 2015 and funds are not available in the current 2014-2015 fiscal year budget.

After a lengthy discussion Council took no action to allow further discussion with TxDot.

Assistant City Manager Michael Scott presented a budget amendment for audio/visual equipment in the Council Chamber. He stated two bids were received for the replacement of all audio, video and cabling within the Council Chamber and Municipal Court. The most qualified bid was received from AVI-SPL in the amount of \$131,869. Mr. Scott requested a budget amendment of up to \$138,500 to cover contingencies as may be needed in the Council Chamber as well as the Municipal Court.

Councilmember Mary Lou Shipley moved to approve a budget amendment for audio/visual equipment in the Council Chamber and Municipal Court up to \$138,500 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

City Secretary Lori Saunders presented Resolution No. 1201 appointing election judges for the City Council election to be held Saturday, May 9, 2015.

RESOLUTION NO. 1201

A RESOLUTION APPOINTING ELECTION JUDGES FOR CITY COUNCIL ELECTION, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council appoints the election judges for city elections (Election Code 32.005 (a)).

WHEREAS, Judith Schuster is hereby designated as presiding election judge and presiding judge is authorized and directed to employ sufficient clerical personnel to efficiently conduct said election. Brenda Adams is hereby designated to serve as Alternate Election Judge.

WHEREAS, said election to be held, May 9, 2015, in the Marvin Elementary School, 110 Brown Street, for the entire City and that the time of the election shall be from 7:00 a.m. to 7:00 p.m.

WHEREAS, this Resolution shall take effect immediately from and after its date of passage.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1201 as presented. Councilmember David Hill seconded, **All Ayes.**

Mr. Thanasis Kombos, Budget Analyst, presented budget calendar for fiscal year 2015-2016. He noted Council workshops will begin in July.

No action taken.

Citizens' Petitions and Requests

None

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

Councilmember Mary Lou Shipley thanked the Planning Department and Parks Department for arranging and participating in the cleanup at Farley Street on March 7, 2015. She encouraged more participation.

Mayor Pro Tem Mark Singleton noted the School Board is working on the upcoming Bond election and asked Council to consider a Resolution supporting the Bond election.

Councilmember David Hill thanked Noran Real Estate Holdings and CR Lawrence for investing in our community. He thanked Mr. Brad Yates for continuing to better our community. He thanked Mr. Ben Terry for his participation in the Honorary Councilmember program.

Ms. Amy Hollywood, Director of Communications and Marketing, announced the quarterly Waxahachie Matters newsletter is being distributed to postal customers.

There being no further business the meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Lori Saunders
City Secretary