

City Council
July 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 Monday, July 20, 2015, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Chuck Beatty, Councilmember
David Hill, Councilmember
Mary Lou Shipley, Councilmember

Council Members Absent: Mark Singleton, Mayor Pro Tem

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. Assistant City Manager Michael Scott gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

Mayor Strength announced the Color Guard Flag Ceremony presented by Girl Scout Troop 878 will be presented at a future Council meeting.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of July 6, 2015
- b. Minutes of the City Council and Planning and Zoning Commission work session of July 6, 2015
- c. Minutes of the Planning and Zoning Commission meeting of July 8, 2015
- d. Minutes of the Zoning Board of Adjustment meeting of July 14, 2015
- e. Minutes of the Firemen's Relief and Retirement meeting of July 13, 2015
- f. Minutes of the Cemetery Board meeting of July 2, 2015
- g. Minutes of the Heritage Preservation Commission meeting of June 11, 2015
- h. Monthly Code Enforcement Report for June 2015
- i. Monthly Violation Activity Statistics Report for June 2015
- j. Monthly Crime Report for June 2015
- k. Monthly Building Reports for June 2015
- l. Appoint Human Resources Director Gayle Sims to the TML Intergovernmental Employee Benefits Pool Board of Trustees – Region 13

Councilmember Chuck Beatty moved to approve Items a. through l. on the Consent Agenda.
Councilmember David Hill seconded, All **Ayes.**

Mayor Strength announced there is not an Honorary Councilmember for the month of July.

Fire Chief Ricky Boyd presented Ms. Lexi Kriska, Mr. David Yawn, and Mr. Johnathan Wilson each a Certificate of Recognition for their life saving heroism at Lake Waxahachie. He reported on June 27, 2015 two young sisters were drowning and due to the efforts of Ms. Kriska, Mr. Yawn, and Mr. Wilson, the sisters were pulled from the water and administered CPR. Because of their selfless determination, tragedy was averted and the young sisters have the opportunity to continue to grow and positively influence the world.

Ms. Derica Peters, Planning and Development Coordinator and members of Keep Waxahachie Beautiful Committee recognized the Waxahachie Citizens Convenience Station with the Project PIN(Pride in the Neighborhood) Award.

Ms. Peters announced the “Don’t Mess with Texas” art displayed in the City Hall Rotunda is from the class of Mrs. Alisha Mathews from Northside Elementary. She recognized Mrs. Mathews and thanked her for allowing her students to display their pieces of art.

Mr. Michael Scott, Assistant City Manager, presented a request from Mutual Pursuits, LLC for a five month extension to December 29, 2015, of their 380 Agreement with the City. The extension is to complete the construction and obtain the Certificate of Occupancy for the buildings at 109-117 W. Franklin and 114 South Rogers Street. Mr. Scott noted the Waxahachie Partnership Board approved the request at their meeting of July 15, 2015.

Councilmember Mary Lou Shipley moved to approve a five (5) month extension to December 29, 2015 of the 380 Agreement between the City of Waxahachie and Mutual Pursuits, LLC as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use Permit for a rooftop solar panel system located at 228 Equestrian Dr., being Lot B, Block 24 of Mustang Creek Ph. 1, being 0.20 acres—Owner: Hector Alvarez (ZA 2015-16).

Mr. Alex Saracay, 4314 Presto Circle, Grand Prairie, Texas, representing the Owner, requested approval to install a rooftop solar panel system.

Ms. Derica Peters, Planning and Development Coordinator reported the Solar panel systems must be approved by a Specific Use Permit. She stated this is a two story home and the solar panels are visible from the right of way.

There being no others to speak for or against ZA2015-16, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2799:

ORDINANCE NO. 2799

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT B, BLOCK 24, MUSTANG CREEK ADDITION, PHASE 1, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.20 ACRE, LOCATED AT 228 EQUESTRIAN DRIVE, 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 A ROOFTOP SOLAR PANEL SYSTEM, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2799 as presented.
Councilmember Chuck Beatty seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use Permit for a rooftop solar panel system located at 202 Blue Roan Dr., being Lot C, Block 1 of Mustang Creek Ph. 1, being 0.21 acres—Owner: Bradley Burkham (ZA 2015-17).

Mr. Alex Saracay, 4314 Presto Circle, Grand Prairie, Texas, representing the Owner, requested approval to install a rooftop solar panel system.

Ms. Derica Peters, Planning and Development Coordinator reported this is a two-story house on a corner lot. The side pitches of the roof will be more than 50% covered by solar panels and the back is more than 75% covered. The front will have no panels.

There being no others to speak for or against ZA2015-17, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2800:

ORDINANCE NO. 2800

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT C, BLOCK 1, MUSTANG CREEK ADDITION, PHASE 1, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.21 ACRE, LOCATED AT 202 BLUE ROAN DRIVE, 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 A ROOFTOP SOLAR PANEL SYSTEM, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2800 as presented.
Councilmember Mary Lou Shipley seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Albert Garcia for a Zoning Change from General Retail (GR) to General Retail (GR) with a Specific Use Permit for a drive through located at 713 Ferris Ave., being Lot 1 and 20, Block 21 of Williams Addition—Owner: Sarath Khun (ZA 2015-18).

Mr. Albert Garcia, 141 W. Main, Italy, Texas, reported the drive through is for a donut shop that will be going into an existing house located at 713 Ferris Avenue.

Ms. Peters reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for a drive through for a donut store
- 2) A restaurant within General Retail zonings requires the approval of a Specific Use Permit
- 3) The six (6) required stacking spaces for the drive thru are present
- 4) This will be a donut store going into the existing house on the site
- 5) The driveway is separate from and does not interfere with the parking lot
- 6) Requirements for parking landscaping are not met, must provide landscape plans.
- 7) Should mitigate tree removal with additional canopy trees.
- 8) Driveway needs to drain towards existing inlet. Grading must not flood adjoining property.

There being no others to speak for or against ZA2015-18, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2801:

ORDINANCE NO. 2801

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1 AND LOT 20, BLOCK 21, WILLIAMS ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 713 FERRIS AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR w/SUP), FOR THE PURPOSE OF ALLOWING A DRIVE THROUGH TO BE BUILT IN ACCORDANCE WITH LOCATION AND DRAWINGS AND INFORMATION FILED WITH THE CITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2801, subject to Staff Comments. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Doug & Karla Gibson for a Zoning Change from Central Area (CA) to Central Area (CA) with a Specific Use Permit for a winery located at 110 N. College, Lot 5-8, Block 1, O T Waxahachie Addition–Owner: Jim Lake (ZA 2015-19).

Doug and Karla Gibson, 110 Postoak Drive, Waxahachie, reported the proposed use is to operate, make, bottle and sell wine.

Ms. Derica Peters, Planning and Development Coordinator reported a winery is permissible only in the Central Area with a Specific Use Permit and will be located on the first floor of the Rogers Hotel.

There being no others to speak for or against ZA2015-19, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2802:

ORDINANCE NO. 2802

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 5, LOT 6, LOT 7, AND LOT 8, BLOCK 1, ORIGINAL TOWN IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 110 NORTH COLLEGE STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED CENTRAL AREA (CA) TO CENTRAL AREA WITH SPECIFIC USE PERMIT (CA w/SUP), FOR THE PURPOSE OF ALLOWING A WINERY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2802 as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Darren & Rena Bowden for a Zoning Change from SingleFamily-1 (SF-1) to Single Family-1 with a Specific Use Permit for a detached garage located at 209 Oak Creek Dr., being Lot 12, Block 2 of Spring Creek Farm Addition– Owner: Darren & Rena Bowden (ZA 2015-20).

Mr. Darren Bowden, 209 Oak Creek Drive, Waxahachie, reported he will tear down an existing storage shed and requested to build an accessory building being approximately 1,728 square feet.

He stated the Zoning Ordinance depicts any accessory building greater than 500 square feet must match the building materials of the main structure. He explained, due to the age of the house, he can't match the brick and requested cement board siding in lieu of brick.

Ms. Derica Peters, Planning and Development Coordinator reported the Applicant will match the roof on the house instead of installing a metal roof.

There being no others to speak for or against ZA2015-20, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance 2803:

ORDINANCE NO. 2803

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 12, BLOCK 2, SPRING CREEK FARM ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 209 OAK CREEK DRIVE, 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 A DETACHED GARAGE TO BE BUILT IN ACCORDANCE WITH SITE PLAN AND CONSTRUCTION DOCUMENTS ON FILE WITH THE CITY OF WAXAHACHIE, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2803 as presented.
Councilmember Chuck Beatty seconded, *All Ayes.*

Mr. Larry Kates, Hunt Properties, 8235 Douglas Avenue, Dallas, Texas, requested approval of Final Plat for Waxahachie Town Crossing, a 26.325 acre commercial development, situated in the Henri Levy Survey Abstract No. 629 - Owner: Way 77 Investors LP (FP 2015-16).

Ms. Derica Peters, Planning and Development Coordinator reported the development for the retail shopping center is progressing. She stated in the event that the development has not completed installment of public infrastructure, a Final Plat may be accepted if developer's issue a Letter of Credit as security to pay for public improvements. A Letter of Credit has been issued for this development for an acceptable amount of \$1,397,864.

Councilmember Shipley asked the status of the plans with TxDot. Mr. Kates stated they are currently being reviewed.

After further discussion, Councilmember Chuck Beatty moved to approve Final Plat for Waxahachie Town Crossing, a 26.325 acre commercial development, situated in the Henri Levy Survey Abstract No. 629 - Owner: Way 77 Investors LP (FP 2015-16). Councilmember David Hill seconded, *All Ayes.*

Mr. Lance Rust, 707 Amhurst, Waxahachie, requested approval of Preliminary Plat for 74 residential lots of Bob White Estates in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 120 acres in the Mary Powers Survey Abstract No. 843, and W.C. Berry Survey Abstract No. 73-Owner: RVG Investments, LLC (PLM 2015-17).

Ms. Derica Peters, Planning and Development Coordinator reviewed the following Staff Comments and stated item 7 can be struck off the list:

- 1) Applicant is requesting approval of preliminary plat for 74 residential lots in the ETJ
- 2) Need Adequate Fire Protection Letter meeting ISO current guide for needed fire flow, and minimum TCEQ domestic water supply rules & regulations compliance
- 3) A request for exception from complying with the City's Wastewater Collection System Master Plan and stating justification for such exception will be needed
- 4) Change the name of the street Cross Creek Circle
- 5) 40' Building line on lots that touch Bob White and Black Champ Road
- 6) Need written statement from Midlothian releasing their involvement based on a portion of this development being in their ETJ
- 7) Lots 1-5, B-A – Cannot have driveways to existing county road, must have access to interior roads
- 8) Street details need to be provided
- 9) Concrete pilot channel needed: between lots 4 & 5 Block A, Area A and across drainage area in Area B
- 10) 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 for 74 residential lots of Bob White Estates in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 120 acres in the Mary Powers Survey Abstract No. 843, and W.C. Berry Survey Abstract No. 73-Owner: RVG Investments, LLC (PLM 2015-17), subject to Staff Comments, striking Item 7. Councilmember Chuck Beatty seconded, **All Ayes.**

Fire Chief Ricky Boyd requested authorization to negotiate EMS service contract with American Medical Response (AMR) for services beginning January 3, 2016 for a 3-year period. AMR is being recommended by the other 3 entities in the County. Thus, utilizing them in Waxahachie would provide us with a county-wide system with superior support in comparison to having our own provider. Chief Boyd noted, by approving this recommendation, Staff would then be able to enter into final contract negotiations directly with AMR. Once the negotiated contract is approved as to form by the City Attorney, it will be brought back for Council approval.

Councilmember Mary Lou Shipley moved to authorize Fire Chief Boyd to enter into negotiations with American Medical Response (AMR) for ambulance service for Waxahachie. Councilmember Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens requested approval of a funding agreement with the Texas Department of Transportation (TxDot) for aesthetic improvements as part of the Interstate 35 project. He reported Staff and members of Council have been working well over a year with TxDot and the North Central Texas Council of Governments (NCTCOG) to secure funding for this project. At one point TxDot expected the City to pay over \$2 million for aesthetic improvements. After modifications, the price came down and NCTCOG contributed a portion for aesthetic improvements as well. That has left the city with a funding amount of \$142,960 to be paid to TxDot. This includes city logos at some of the bridge embankments and conduit for street lights on the bridges. The city will also pay for the street light fixtures that will be installed. TxDot will contract the construction in August with a start date in October and completion in 38 months.

After further discussion, Councilmember Chuck Beatty moved to approve the funding agreement with TxDot in the amount of \$142,960 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Kevin Strength recommended approval to appoint Mr. Rodney Bell to fill a vacancy on the Planning and Zoning Commission. The unexpired term is July 2015 – September 2016.

Councilmember David Hill moved to appoint Mr. Rodney Bell to fill a vacancy on the Planning and Zoning Commission as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Citizens' Petition and Request

Ms. Anita Brown, Director of Downtown Development, thanked the Mayor, Council, Staff and task force for worked so hard with TxDot on the Interstate 35 project.

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

Assistant City Manager Michael Scott provided Council with the 2nd Quarter Staff Reports.

Councilmember Mary Lou Shipley complimented the employees who work at the recycling center. She stated the employees who work there put in a lot of effort to keep it clean.

Councilmember Chuck Beatty stated the past three weekends were busy with activities and each had great attendance.

City Manager Paul Stevens sadly reported the loss Mr. Kim Riviello, Utility Maintenance Worker for the Utilities Department who was killed in an automobile accident Friday night. He asked everyone to keep the family in their thoughts and prayers during this tragic and difficult time.

Mr. Stevens reported he received an email thanking the city for the beautification of Waxahachie. He announced TxDot approved large planters along Highway 77 and Highway 287. He provided Council with the proposed budget for Fiscal Year 2015-2016 and announced a budget workshop will be held Wednesday, July 29, 2015 at the Civic Center. Mr. Stevens reported he received a letter complementing the recent tournament held at the Sports Complex and the professionalism of the Sports Complex Staff.

Mayor Strength expressed his condolences of the loss of Mr. Kim Riviello.

Councilmember David Hill thanked the people who saved the two little girls at Lake Waxahachie and thanked the first responders.

Ms. Amy Hollywood, Director of Communications and Marketing, announced the up-coming film festival tickets are now on sale.

There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 7:51 p.m. Councilmember David Hill seconded, **All Ayes.**

Respectfully submitted,

Lori Saunders
City Secretary