

City Council
October 5, 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, October 5, 2015, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
David Hill, Councilmember

Council Members Absent: 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 and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of September 21, 2015
- b. Minutes of the regular Planning & Zoning Commission meeting of September 23, 2015
- c. Minutes of the Firemen's Relief & Retirement Fund meeting of September 22, 2015
- d. Minutes of the Mid-Way Airport Board meeting of July 16, 2015
- e. Approve wedding and reception at Chautauqua Auditorium on January 16, 2016
- f. Approve Veterans Day and WWII Weekend Events
- g. Approve amended Parade Route for the Waxahachie I.S.D. Homecoming Parade on Friday, October 9, 2015

Mayor Strength removed item g. from the Consent Agenda for further consideration.

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

Mayor Strength noted the Parade Route for the Waxahachie I.S.D. Homecoming Parade was approved at the Council meeting of September 8. Mayor Pro Tem Mark Singleton apologized noting Council missed the new proposed parade route and explained the parade route is back before them to consider the new route or go back to the original route.

Ms. Audrey Willett, WISD High School Student Body President, stated the reasons for the new parade route includes safety in not crossing railroad tracks twice and the new linear route being on Brown Street takes the parade home to the stadium where tailgating is scheduled immediately after the parade. She stated TxDot approved the route and the Student Body hung door hangers across the city to announce the new parade route. Ms. Willett asked Council to try the new parade route that was previously approved.

Alumni's of WISD asked Council to keep the original parade route noting it's been a long standing tradition for the past 40 years. One stated it is about the alumni's coming back and promoting downtown.

Mayor Strength noted there are a lot of traditions worth hanging onto and stated the police can assist with safety near the railroad tracks. He stated he is very impressed with the WISD student body that worked hard on the new parade route and explained it's Council's responsibility to make the parade route safe. He suggested continuing the traditional parade route.

Ms. Willett stated the WISD student body wanted to start a new tradition taking the parade to the football stadium where everyone is already gathered and tailgating can begin.

Mayor Pro Tem Mark Singleton moved to approve the amended Parade Route for the Waxahachie I.S.D. Homecoming Parade on Friday, October 9, 2015 back to downtown.
Mayor Kevin Strength seconded, **All Ayes.**

Councilmember Chuck Beatty introduced Honorary Councilmember Ms. Jane Cloud. She is the daughter of Michael Roger and Safaa Amin Cloud. Jane is the Student Council President at Waxahachie Global High. She is an avid believer in helping others and uses her position in implementing activities that will bring the student body closer at Global. Jane enjoys working at Hidden Miracles Ministry with children and on senior citizen projects. She is part of the Steering Committee for Global's future. Currently in the top ten of her class, Jane plans on graduating from Global High with an Associates of Science. She would like to pursue physical therapy as her career and use her skills to serve people in third world countries who have limited access to healthcare.

Mayor Strength continued the Public Hearing on a request by Breckenridge Group Waxahachie, Texas LP for a Zoning Amendment from Planned Development-91-Residential (PD-91-R) to a Planned Development-Multi-Family-1 (PD-MF-1) with a Specific Use Permit for a Resident home for adults with intellectual and developmental disabilities, being 41.246 acres located at 820 Cantrell Street in the EW Rogers Survey Abstract No. 896-Owner: Diane Collard, John Collard, and Eduardo Velez (ZA 2015-26).

Mr. John Poston, Founder of RISE School in Dallas, proposed to build a residential neighborhood for adults with intellectual and developmental disabilities (IDD). He stated there is a real need for this type of housing and noted approximately 90% of IDD people live with family members. He showed renderings of student living housing, amenities such as a club house, soccer field, and swimming pool.

Mr. Clyde Melick, Director of Planning, noted this is the new and unlisted. It was approved by P&Z with the addition in the ordinance to bring in a more detailed site plan.

There being no others to speak for or against Zoning Amendment 2015-26, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2820:

ORDINANCE NO. 2820

AN ORDINANCE CHANGING THE ZONING ON 41.247 ACRES IN THE E. W. ROGERS SURVEY, ABSTRACT NO. 896, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 820 CANTRELL STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-RESIDENTIAL(PD-91-R) TO PLANNED DEVELOPMENT-MULTIPLE FAMILY-1 WITHA SPECIFIC USE PERMIT FOR RESIDENTIAL HOME FOR ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Councilmember Chuck Beatty moved to approve Ordinance No. 2820 as presented.
Councilmember David Hill seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by St Paul Episcopal Church for a Specific Use Permit for a temporary portable building in a Commercial (C) Zoning District, located at 624 Ovilla Rd., in the St Paul Episcopal Church Addition, Block 1, Lot 1, being 8.174 acres – Owner: Episcopal Diocese of Dallas (ZA 2015-30).

Ms. Rhio Goddard, 624 Ovilla Road, Waxahachie, reported the temporary portable building will be used for Sunday school classrooms.

Councilmember Beatty asked the timeframe for the portable building. City Attorney Steve Chapman noted the Ordinance depicts two (2) years.

There being no others to speak for or against Zoning Amendment 2015-30, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2821:

ORDINANCE NO. 2821

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PART OF A TRACT OF 8.174 ACRES OF LAND, BEING LOT 1, BLOCK 1, ST PAUL EPISCOPAL CHURCH ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 624 OVILLA ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED COMMERCIAL (C) TO COMMERCIAL WITH SPECIFIC USE PERMIT (C w/SUP), FOR THE PURPOSE OF ALLOWING TEMPORARY PORTABLE BUILDINGS AT THE LOCATION SHOWN ON EXHIBIT

“A” ATTACHED HERETO, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Councilmember Chuck Beatty moved to approve Ordinance No. 2821 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Liberty Dialysis North Texas for a Site Plan approval in a Planned Development-13-General Retail (PD-13-GR) Zoning District, to review the proposed expansion of the existing building, located at 1011 N. US Hwy 77, Suite 102, Eason Properties, Lot 3A, Block 1, being 2.969 acres– Owner: Marline Six LLC (ZA 2015-31).

Mr. Robert Heard, Liberty Dialysis North Texas, 1621 N. Central Expressway, Richardson, Texas, reported the expansion will allow for rooms to accommodate more patients at the existing medial outpatient clinic.

There being no others to speak for or against Zoning Amendment 2015-31, Mayor Strength closed the Public Hearing.

Councilmember David Hill moved to approve Site Plan approval in a Planned Development-13-General Retail (PD-13-GR) Zoning District, to review the proposed expansion of the existing building, located at 1011 N. US Hwy 77, Suite 102, Eason Properties, Lot 3A, Block 1, being 2.969 acres– Owner: Marline Six LLC (ZA 2015-31). Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Pleasant Manor Senior Care LLC, for a Zoning Change from Future Development (FD) to a General Retail-Limited (GR-L) Zoning District, with a Specific Use Permit for a skilled nursing facility, located at 3650 S. I-35, being 4.659 acres in the J Harris Survey Abstract No. 430–Owner: Pleasant Manor Senior Care LLC (ZA 2015-32).

Mr. Jeff Taylor, Senior Care Centers, 600 N. Pearl St., Dallas, stated upgrades will include a family court yard, mobility yard, and construct a porte cochere structure to the entrance of the building.

There being no others to speak for or against Zoning Amendment 2015-32, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2822:

ORDINANCE NO. 2822:

AN ORDINANCE AUTHORIZING A ZONING DISTRICT CHANGE AND A SPECIFIC USE PERMIT ON 4.659 ACRES OF THE J. HARRIS SURVEY, ABSTRACT NO. 430, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 3650 S. IH-35E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT (PD) TO GENERAL RETAIL-LIMITED WITH SPECIFIC USE PERMIT (GR-L w/SUP), FOR THE PURPOSE OF ALLOWING A SKILLED NURSING FACILITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, DECLARING AN EMERGENCY AND MAKING THE ORDINANCE EFFECTIVE UPON PASSAGE.

Councilmember David Hill moved to approve Ordinance No. 2822 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by the City of Waxahachie for a Zoning Change from Future Development (FD) to Airport District (AD) for the Mid-Way Regional Airport, located at 131 Airport Dr., being 77.392 acres in the JR Leath Survey, Abstract No. 634 and 38.332 acres in the Roe Estates Pt 1 Ph 1 Survey and WE Middleton Survey- Owner: City of Midlothian and City of Waxahachie (ZA 2015-33).

Mr. Clyde Melick, Director of Planning, stated the purpose of the zoning change is to match the zoning district to the airport use. The zoning district classification "airport district" was created for the airport to have an overlay category dedicated to it. However, the airports zoning category was never formally amended to reflect that.

There being no others to speak for or against Zoning Amendment 2015-33, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2823:

ORDINANCE NO. 2823

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR 77.392 ACRES IN THE J. R. LEATH SURVEY, ABSTRACT NO. 634 AND 38.332 ACRES IN THE ROE ESTATES PT. 1, PHASE 1 SURVEY AND W. E. MIDDLETON SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 131 AIRPORT DRIVE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING FUTURE DEVELOPMENT (FD) TO AIRPORT DISTRICT (AD) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Councilmember Chuck Beatty moved to approve Ordinance No. 2823 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Kevin McDonnell for a Site Plan approval in a Planned Development-21-Commercial (PD-21-C) Zoning District to review the proposed expansion of the existing building located at 215 W. Second St., being 0.414 acres in the Williams Addition, Lot 2, Block 2 -Owner: Antique Prime Publications LLC (ZA 2015-34).

Mr. Kevin McDonnell, 714 Ferris Avenue, Waxahachie, requested approval of the expansion of the building for same use being a professional office.

Ms. Charlotte Hopkins stated she lives on Dunn Street and expressed concern with traffic increase. Mr. McDonnell stated the increased traffic will be on Ferris Avenue.

There being no others to speak for or against Zoning Amendment 2015-34, Mayor Strength closed the Public Hearing.

Councilmember Chuck Beatty moved to approve Site Plan approval in a Planned Development-21-Commercial (PD-21-C) Zoning District to review the proposed expansion of the existing building located at 215 W. Second St., being 0.414 acres in the Williams Addition, Lot 2, Block 2 -Owner: Antique Prime Publications LLC (ZA 2015-34). Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by H&D Realty Investments, Inc & Anwar Dossani, for a Zoning Change from General Retail (GR) and Light Industrial-1 (LI-1) to Commercial (C) with a Specific Use Permit for a truck stop located at 3298 S. I-35 in the Collwell Oil Addition, Lot 1R, and JC Armstrong Survey, Abstract No. 6, being 3.734 acres- Owner: H&D Realty Investments, Inc. & Anwar Dossani (ZA 2015-35). He announced the Applicant requested to continue the Public Hearing to October 19, 2015.

Mayor Pro Tem Mark Singleton moved to continue the Public Hearing on a request by H&D Realty Investments, Inc & Anwar Dossani, for a Zoning Change from General Retail (GR) and Light Industrial-1 (LI-1) to Commercial (C) with a Specific Use Permit for a truck stop located at 3298 S. I-35 in the Collwell Oil Addition, Lot 1R, and JC Armstrong Survey, Abstract No. 6, being 3.734 acres- Owner: H&D Realty Investments, Inc. & Anwar Dossani (ZA 2015-35) to the City Council meeting of October 19, 2015. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Melick announced the Applicant is absent. He presented Preliminary Plat of Oak Vista Estates Phase 2, in the Waxahachie Extra Territorial Jurisdiction (ETJ) being 30 residential lots, on 45.986 acres in the S.B. Orton Survey, Abst. 813 at FM 1446 and Oak Vista Rd-Owner: Jim Strawn (PLM 2015-27). Mr. Melick stated if approved it will go to Ellis County for approval.

Councilmember Chuck Beatty moved to approve Preliminary Plat of Oak Vista Estates Phase 2, in the Waxahachie Extra Territorial Jurisdiction (ETJ) being 30 residential lots, on 45.986 acres in the S.B. Orton Survey, Abst. 813 at FM 1446 and Oak Vista Rd—Owner: Jim Strawn (PLM 2015-27). Councilmember David Hill seconded, All Ayes.

Mr. Harlen Roberts, 1036 Woodridge Road, Waxahachie, requested approval of Replat of Ferris Second Addition Lots 85A and 85B being 0.2408 acres located at 205 Lynn St –Owner: Harlen Roberts (RP 2015-28).

Mayor Pro Tem Mark Singleton moved to approve Replat of Ferris Second Addition Lots 85A and 85B being 0.2408 acres located at 205 Lynn St –Owner: Harlen Roberts (RP 2015-28). Councilmember Chuck Beatty seconded, All Ayes.

Mr. Melick presented Resolution No. 1208 establishing a public hearing date to consider approval of Capital Improvement Plans and Impact Fees for Roadways:

RESOLUTION NO. 1208

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER APPROVAL OF CAPITAL IMPROVEMENT PLANS AND IMPACT FEES FOR ROADWAYS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of Waxahachie has authorized an impact fee study to determine whether to adopt updated land use assumptions, capital improvements plans, and impact fees for roadway facilities in accordance with Tex. Loc. Gov't Code Chapter 395; and

WHEREAS, Chapter 395 requires the City Council to set a public hearing to consider whether to adopt updated land use assumptions, capital improvements plans and impact fees for roadway facilities;

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

SECTION 1. That the above recitals are found to be true and correct and they are incorporated herein as findings of the City Council for all purposes.

SECTION 2. That a public hearing of the City Council shall be held on October 19, 2015 at 7:00 p.m. at City Hall, 401 South Rogers, Waxahachie, Texas for the purpose of considering amendments to the capital improvements plans and impact fees for roadway facilities.

SECTION 3. That public notice has been published in one or more newspapers of general circulation in Ellis County, before the 30th day before the date set for the hearing.

SECTION 4. That this Resolution shall take effect immediately upon execution by the Mayor.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1208 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on Amendment of Roadway Impact Fees.

Mr. Melick requested the Public Hearing be continued to the City Council meeting of October 19, 2015.

Mayor Pro Tem Mark Singleton moved to continue the Public Hearing on Amendment of Roadway Impact Fees to the City Council meeting of October 19, 2015. Councilmember David Hill seconded, **All Ayes.**

City Manager Paul Stevens presented Ordinance No. 2824 establishing a work zone for IH35 project:

ORDINANCE NO. 2824

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, CREATING A CONSTRUCTION WORK ZONE AND TEMPORARILY REDUCING THE RATE OF SPEED TO 60 MILES PER HOUR FOR VEHICLES ON THE MAIN LANES OF IH-35E AND 35 MILES PER HOUR FOR VEHICLES ON THE US 287 BUSINESS ROUTE, ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF WAXAHACHIE, ALL AS SET OUT IN THIS ORDINANCE; DEFINING THE SPEED LIMITS; REQUIRING THE PLACING OF SIGNS; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2824 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mr. John Smith, Director of Parks and Recreation, reported bids were received and opened for City Cemetery maintenance and grave opening. He recommended awarding the grave opening services to Navco for \$700 per grave with full service, anytime. Mr. Smith recommended the City hire a full time employee for cemetery maintenance at \$3,225 per month. He explained the employee will replace the current maintenance contractor at \$3,948 per month and will be at the cemetery full time versus the maintenance contractor.

After a brief discussion, Councilmember Chuck Beatty moved to award grave opening services to Navco for \$700 per grave with full service, anytime, and hire new employee at a rate of \$3,225 per month for full-time cemetery maintenance. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Fire Chief Ricky Boyd presented Resolution No. 1209 expressing intent to finance expenditures to be incurred pertaining to issuance of Certificates of Obligation for purchase of fire truck:

RESOLUTION NO. 1209

A RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED PERTAINING TO ISSUANCE OF CERTIFICATES OF OBLIGATION

WHEREAS, the City of Waxahachie (the City) is a political subdivision of the State of Texas, authorized to issue obligations to finance its activities pursuant to the Constitution of the State of Texas and the Home Rule Charter of the City, the interest on which is excludable from gross income for federal income tax purposes (A tax-exempt obligations pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the Code); and

WHEREAS, the City is contemplating the acquisition, construction, reconstruction or renovation of certain property; and

WHEREAS, the City has concluded that it does not currently desire to incur debt to finance the costs it is about to pay; and

WHEREAS, the City desires to reimburse itself for the costs it is about to pay from the proceeds from obligations to be issued subsequent to the payment of such costs; and

WHEREAS, the City has no other funds that are, or are reasonably expected to be, reserved, allocated on a long term basis or otherwise set aside for purposes of paying the costs the City expects to incur;

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

Section 1. The City reasonably expects to reimburse itself for all costs to be paid in connection with the acquisition, construction, reconstruction or renovation of the property listed on Exhibit A attached hereto from the proceeds of debt to be incurred subsequent to the payment of all or a portion of such costs. The City reasonably expects that the maximum principal amount of such debt used to reimburse the City for such costs will not exceed the total shown in Exhibit A.

Section 2. This resolution is intended to serve as a declaration of official intent within the meaning of Section 1.103-18 of the Treasury Regulations and the City hereby directs this Resolution to be made a part of its books and records that are available for inspection by the general public.

Councilmember David Hill moved to approve Resolution No. 1209 as presented.
Councilmember Chuck Beatty seconded, All Ayes.

Citizens' Petition and Request

Mr. John Hamilton, 910 W. Marvin, Waxahachie, referenced Economic Development incentives that are offered to large industries. He asked Council to consider officer incentives to small business owners that want to grow their business.

Ms. Amy Hedtke, referenced the November election and encouraged everyone to educate themselves on the propositions.

Mr. James Page and Ms. Joyce Chiles thanked the city for supplying items needed for the community garden on the East side. They stated the community has really enjoyed the garden.

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

City Manager Paul Stevens complimented the volunteers that started the community garden.

Mayor Pro Tem Mark Singleton referenced the WISD Homecoming Parade and stated he is confident about going back to the traditional route.

There being no further business, the meeting adjourned at: 8:23 p.m.

Respectfully submitted,

Lori Saunders
City Secretary